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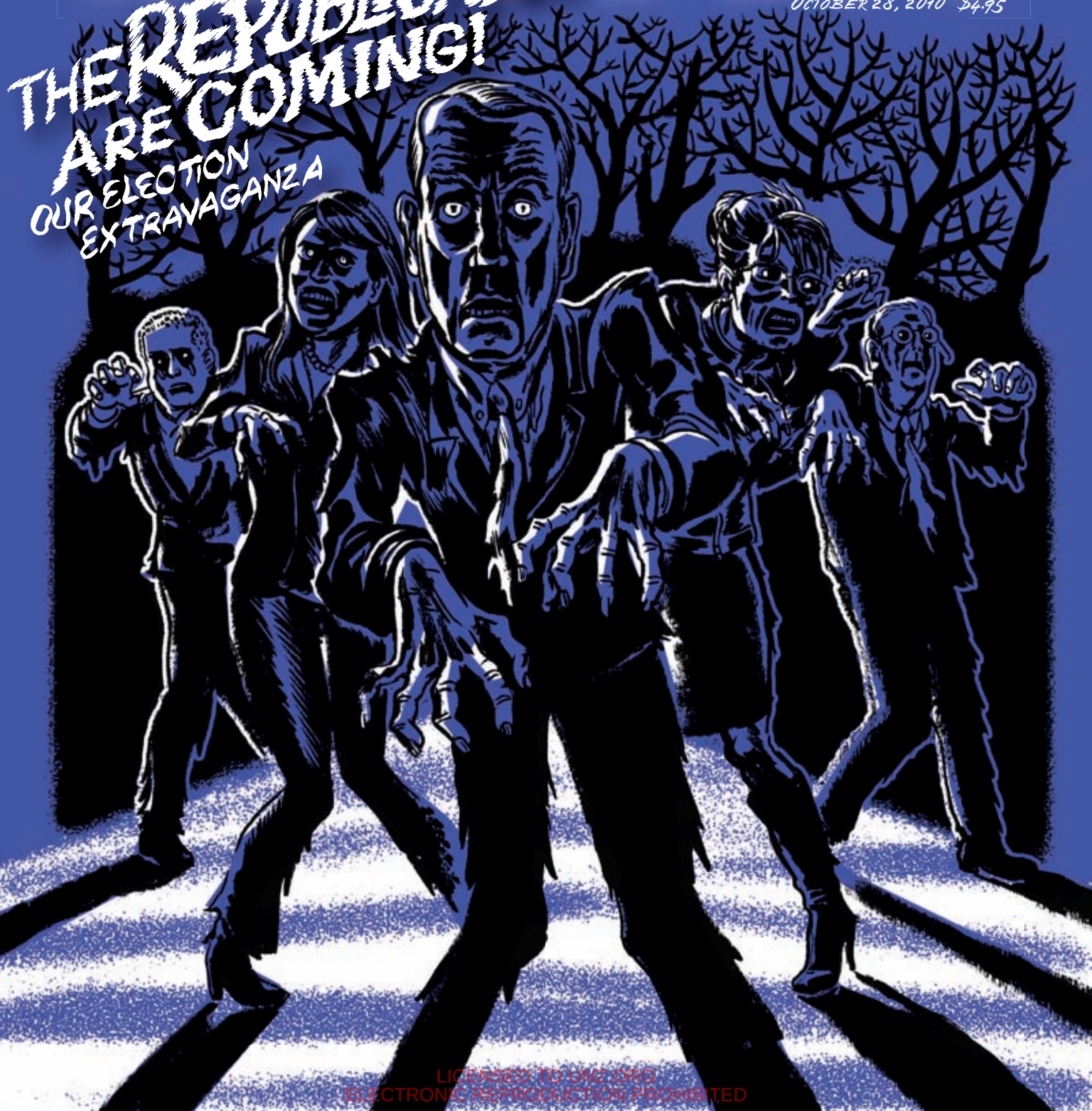

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THE NEW REPUBLIC

A Journal of Politics and the Arts

VOLUME 241 WASHINGTON, OCTOBER 28, 2010 NUMBER 4,892

Healthy Respect

Russ Feingold is running for his political life. But he is not running from health care reform. Feingold, a three-term senator from Wisconsin, who has been trailing in the polls for weeks, recently unveiled an advertisement that puts his support for health care reform—and his opponent's pledge to repeal it—front and center. The ad features a series of people touting the protections in the Affordable Care Act. One mentions the guarantee of coverage for children with pre-existing conditions. Another talks about the government's expanded authority to regulate insurance-premium rates.

It's the kind of TV spot many reform proponents had in mind back in March, when President Obama signed the Affordable Care Act into law. But Feingold's ads are pretty unusual. Most Democrats aren't trying to talk about health care reform this cycle. If anything, they're trying *not* to talk about it. The few exceptions to that rule include Democrats who voted against the Affordable Care Act and now brag about that decision.

This silence might seem like a smart call. Polls consistently show that the public is ambivalent about the Affordable Care Act; the percentage of people who disapprove of the law is typically a few points higher than the percentage of those who approve of it, although the margin varies wildly depending on the poll. And, particularly in the most conservative districts, some voters might truly be angry about health care reform—enough to change their minds about whom to support in November. But Democrats on the whole should pay close attention to what Feingold is saying about health care.

The main reason for hope is the polls—yes, the very same polls that suggest the Affordable Care Act is so unpopular. Those "topline" findings, as the pollsters call them, actually mask a much more complicated set of feelings. It turns out that a large portion of the respondents who disapprove of health care reform are upset that reform didn't go far enough—in other words, that government won't do more to expand coverage, protect consumers, and drive down the price of medical care. Some of these people (it's hard to know how many) would prefer to strengthen reform by building on it—adding a public option, for example, or turning it into a single-payer system. Whatever their disappointment with Democrats for not doing these things in the first place, they're not interested in repeal.

The toplines also obscure another reality: People may not like the Affordable Care Act, per se, but they like nearly all of its component parts, in some cases by huge margins. Polls by the Kaiser Family Foundation, in particular, have found that even among self-described Republicans, majorities approve of ideas like guaranteeing coverage for people with pre-existing conditions. One reason those sentiments don't translate into broader support is that opponents successfully misled the public about what's actually in the bill. A majority of senior citizens, for example, either think the Affordable Care Act has death panels (that is, boards to make life-or-death decisions about treatment) or aren't sure about it. The less Democrats say about the Affordable Care Act, the more Republicans will convince voters that claims like these are true.

Of course, sometimes opposition to the Affordable Care Act has nothing whatsoever to do with health care reform. Plenty of voters are simply unhappy with President Obama and the Democrats because they haven't done more to revive the economy. To them, the Affordable Care Act is symptomatic of an administration that has lost touch with the average American. But the first set of consumer protections in the Affordable Care Act, which are just now going into effect, include provisions that protect individuals from abusive insurance company practices. Touting those can bolster the Democrats' populist bona fides—while revealing how unappealing, or simply nonexistent, Republican ideas for health care are. Democrat Jack Conway, who is running for Senate against Republican Rand Paul in Kentucky, did just that on CBS's "Face the Nation," when he asked, "Does Rand Paul want to repeal all of that? What would he replace it with?"

To be clear, a strong pitch for health care reform isn't going to scramble the election outcome at such a late date—although Democrats could certainly use every marginal advantage they can get. But taking a more aggressive stand on health care reform isn't just about winning a few more seats. It's also about fighting the political battles to come. It will be many years before the Affordable Care Act's biggest changes come into view—an interval during which Republicans will do their best to hobble the new law, even if they can't get it off the books. And while it will be a few months before that debate begins in earnest, the time to prepare for it is now. ◆

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Scandal TBD

The coming impeachment of Barack Hussein Obama.

JONATHAN CHAIT

HEAR ME NOW and believe me later: If Republicans win and maintain control of the House of Representatives, they are going to impeach President Obama. They won't do it right away. And they won't succeed in removing Obama. (You need 67 Senate votes.) But if Obama wins a second term, the House will vote to impeach him before he leaves office.

Wait, you say. What will they impeach him over? You can always find something. Mini-scandals break out regularly in Washington. Last spring, the political press erupted in a frenzy over the news that the White House had floated a potential job to prospective Senate candidate Joe Sestak. On a scale of one to 100, with one representing presidential jaywalking and 100 representing Watergate, the Sestak job offer probably rated about a 1.5. Yet it was enough that GOP Representative Darrell Issa called the incident an impeachable offense.

It is safe to say that Issa's threshold of what constitutes an impeachable offense is not terribly high. As it happens, should Republicans win control of the House, Issa would bring his hair-trigger finger to the chairmanship of the House Oversight and Government Reform Committee. The Sestak pseudo-scandal disappeared because there was no process to drive the story forward. Had Issa been running the Oversight Committee, it would have been the subject of hearings and subpoenas.

And it is not as if Issa's interest in the Sestak case springs from some idiosyncratic obsession with the generally common practice of using executive-branch jobs to lure candidates out of the Senate. His taste in Obama-related scandal is catholic. In addition to the Sestak allegations, Issa has called for the investigation or disclosure of matters weighty and not-so-weighty, including the so-called Climategate e-mail controversy, congressional recipients of friendly loans from Countrywide, the methodology behind the government's statistics on jobs "created or saved," the Treasury's prior knowledge of the AIG bonuses, the leaking of the Securities and Exchange Commission's fraud suit against Goldman Sachs, the District of Columbia school vouchers program, all

TRB
From Washington

taxpayer-funded White House trips on behalf of Democratic candidates, the administration's response to the BP oil spill and its drilling moratorium, National Labor Relations Board nominee Craig Becker's possible conflict of interest, the "executive branch's approach to food safety," potential collusion between General Motors and the Treasury, and the firing of the inspector general of the Corporation for National and Community Service, plus many, many others.

This merely covers Obama's first 20 months in office. No doubt more outrages would command Issa's attention. Just as a rigorous IRS audit of a taxpayer is bound to turn up something, an investigation by the likes of Issa will eventually produce a scandal. Once you have grasped hold of the investigative machinery, the process drives itself. "We would never go looking for a scandal—they come to us," Issa explained to *National Review*. "Typically, it is not the crime but the cover-up. The scandal comes when administration officials try to circumvent, not report, or distort what is happening."

Obviously, Issa cannot impeach the president by himself. That would take a vote by the House of Representatives. But once a major figure like Issa puts impeachment on the table, it is impossible to imagine the rest of the party failing to go along. A December poll found that 35 percent of Republicans *already* favor impeaching Obama, with just 48 percent opposed and the balance undecided. That is a large base of support to impeach Obama for literally anything at all.

Once Fox News, Rush Limbaugh, Matt Drudge, and the like collectively decide that this or that incident represents an intolerable abuse of power by the Obama administration, the conservative base will go from supporting impeachment to demanding it. At that point, the acquiescence of the House GOP would become inevitable. Since Obama took office, whatever willingness the party establishment had to resist the impulses of its base has been submerged beneath a wave of right-wing primary challenges.

The Republicans wouldn't dare repeat the mistake they made by impeaching Clinton, you say? You're not thinking like a Republican. In the conservative mind, the impeachment crusade was not a political miscalculation but a misty, watercolored memory. A 2006 *National Review* retrospective of impeachment leader Henry Hyde captures the right's view:

> His only regret involves tactics. . . . "I should have demanded that Monica Lewinsky and Clinton testify." Although Hyde did not achieve his main objective, it would be wrong to view the entire project as a failure.

In this interpretation, the process sufficiently tarnished Clinton so that his vice president was unable to run on the administration's accomplishments and was easily tarred as a liar during the crucial stretch in October 2000 when the media pounced upon Gore's veracity. "There are 13 people who are responsible for where we are now," a Bush adviser told *The Weekly Standard* shortly before the 2000 election. "They are the House impeachment managers."

The Clinton impeachment does not offer a useful guide to the Obama presidency if you think of it solely as a punishment for Clinton's crime. But it's more accurate to think about the Clinton impeachment as political warfare by other means against a president conservatives deemed illegitimate.

David Bossie, a conservative activist who worked for then–House Oversight Chairman Dan Burton, recently told *The Daily Beast* that he had been convinced Clinton was a left-wing sleeper agent, but now realizes he was wrong. "If you look back now with the benefit of hindsight, oh how I wish he was president today compared to this guy in there now," observes Bossie. "That guy in there now is truly a radical."

This is the conservative view of Obama—a left-wing radical who seized power via an economic crisis, smuggled radical views into the White House, and used unfair tactics to force an unpopular transformative left-wing agenda upon a conservative country.

The history of modern Washington is a history of the social norms that once restrained political parties from no-holds-barred warfare falling by the wayside, one by one. Why would Republicans impeach Obama? The better question is, why *wouldn't* they? ◆

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Cover illustration by Erik T. Johnson

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The Mall

One-Arm Midgets, Rejoice

Michael Steele will not go quietly.

The months leading up to an election always involve a rush of frantic activity. There are key states to visit and swing voters to court. And so, late this summer, Michael Steele was paying timely visits to crucial battlegrounds … in Guam, the U.S. Virgin Islands, Puerto Rico, and the Northern Mariana Islands. Perhaps those aren't considered key states in the elections that most Republicans care about, the 2010 midterms. But each of those territories does have voting members on the Republican National Committee (RNC), and if Steele wants to get reelected as party chairman next January, it's not a bad idea to travel to those places, disburse funds, and hobnob with local officials—even if it *is* odd for a party chair to visit remote islands while critical elections on the mainland are just around the bend.

It might seem preposterous that Steele could be thinking about another term as RNC chair. His tenure has been marked by a parade of cringe-inducing remarks: In his first 30 days alone, he offered "slum love" to Louisiana Governor Bobby Jindal and vowed to improve the GOP's image among "one-armed midgets." His fundraising efforts have been so anemic that the RNC has had to scale back its all-important get-out-the-vote operations this fall. Steele has been roundly mocked by the D.C. establishment—*Time* has called him "comical" and "irrelevant"—and many Republicans agree that if their party makes dramatic gains in November, it will be despite his efforts, not thanks to them. And yet, for all that, there's evidence that Steele is positioning himself to emerge even stronger after the midterms. "There's how the political establishment views Steele and how members of the committee view him," says one RNC member. "A lot of folks don't understand the difference—but it's monumental." Is it possible that, against all odds, Michael Steele is a far savvier politician than anyone imagined?

Take, for instance, Steele's current 48-state "Fire Pelosi" bus tour. As with many things Steele does, this one looked like a debacle from the onset. CNN pointed out that Steele was spending much of his time in congressional districts that aren't even in play. Many of the prominent conservatives he was expected to appear with—such as Virginia Governor Bob McDonnell and Florida senatorial candidate Marco Rubio—made themselves scarce when his bright red bus rolled into town. Conservatives gripe that his time would be better spent raising much-needed funds for hotly contested races. "'Fire Pelosi?' She's already going to be fired! We know we'll take back the House," grumbles one Republican official. "Go campaign for the Senate—or some place you're needed."

How does Michael Steele explain his island hopping?

Steele maintains that his bus tour is intended to fire up Republican ground troops around the country: "We've been able to bring in new volunteers, people who will make phone calls—the reception we've gotten has been very strong," says RNC spokesman Doug Heye. But it's also true that the tour doesn't hurt Steele's chances of sticking around at the RNC next cycle. As he travels from state to state, Steele has been meeting with RNC members—the state chair and national committeemen and women—taking them out to dinner, riding with them on his bus. And these people, not his critics in Washington, will be voting for the party chair come January. "Those elections are in large part about personal relationships," says one RNC member—and few chairs have put as much effort into building those relationships as Steele has.

Steele's career at the RNC has been marked by a canny ability to weather adversity. Few insiders gave him a chance of becoming chair in the first place; when he first declared his candidacy, Karl Rove reportedly scoffed to an associate, "It's just not going to happen." But Obama had just won a historic election and, for many Republicans, the symbolism of nominating a black party leader of their own was too tantalizing to pass up. As Newt Gingrich gushed, "He clearly represents the new, emerging Republican Party." (Especially since, in the final round of balloting, Steele beat out a state chairman from South Carolina who had once been a member of an all-white country club.)

It didn't take long, however, for conservatives to regret their decision. First Steele blasted Rush Limbaugh as "ugly" and "incendiary," touching off a distracting intra-right feud. Then he told *GQ* that abortion was an "individual choice." There was also the time he implied that

David Cowles

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Obama had started the war in Afghanistan. And then, of course, came the high-profile book tour for a book no one was even aware Steele had been writing.

What really worried Republicans, though, was the fact that the RNC seemed to be in disarray. The national committee is supposed to do the heavy campaign lifting: assembling voter lists, setting up phone banks, coordinating messaging. When Steele arrived, he dismissed many longtime staffers and brought in pals from his days as lieutenant governor in Maryland, some of whom, critics carped, were amateurish. Steele's handpicked finance director, for example, reimbursed a group of young donors who spent $1,946 at a bondage-themed club in West Hollywood. And Steele's spending habits raised eyebrows: His RNC doled out unprecedented amounts on limos, catering, and flowers—as well as $18,500 to overhaul the dark wood furniture at headquarters. ("This is gonna sound weird," he told *GQ*, "but it's way too male for me.") Not only that, but Steele would often wing it on policy pronouncements without checking in with Hill Republicans—a habit that earned him a scolding from Senator Lamar Alexander behind closed doors.

Those missteps helped scare away major donors, who decided Steele couldn't be trusted. (It doesn't help that, like many politicians, Steele has a visceral distaste for getting on the phone to fund-raise.) By September, the RNC had just $4.7 million in cash on hand—one-third of the Democratic National Committee's haul—and had to pare back its turnout and targeting programs for the first time in a decade.

Steele and the RNC have gotten brutal press treatment over the past two years—some of it fanned by Rove's allies, who never forgave Steele for sweeping aside longtime Bush hands. But, within the RNC itself, Steele has worked hard to placate his critics. "From a crisis-management standpoint, he'd handle his mistakes well," says one RNC member. "He'd call up members, say, 'I kind of blew this, here's what I meant,' and put it away." Indeed, those who know him say that, verbal slips aside, Steele is conscientious about his public image—his office has been vigilant, for instance, about trying to quell leaks to the press.

And, as always, Steele has been able to count on a generous helping of luck. Republican voters are particularly riled up about Obama this year, and that means state party organizations—which would otherwise be winded by the shortfall in RNC funds—can count on hordes of eager volunteers. What's more, outside groups have been pitching in with the Republican ground game. American Crossroads, a group associated with Rove, is planning to spend $50 million on ads and swing-state activities, including $10 million on get-out-the-vote efforts. The Republican Governors Association, led by Haley Barbour, is set to spend $65 million on the election. True, these groups aren't a perfect substitute for the RNC—the RGA is only operating in states with gubernatorial races. But they'll almost certainly help compensate for Steele's errors. And, since Republicans are going to have a huge election year no matter what, Steele will be poised to take credit.

In early August, *Politico* uncovered a strange RNC memo showing Steele trying to seek an audience with several foreign ambassadors. It didn't make sense in terms of electoral politics—foreigners don't vote and can't donate. But it makes more sense when you consider that Steele clearly enjoys the perks of his job and loves being a mover and shaker. "Ultimately, he's out for himself," says one state chairman. "You see that again and again."

Steele will have an uphill battle running for reelection at the RNC. Establishment Republicans are horrified at the thought that he could be the face of the GOP in a presidential election year, when one ill-timed interview could derail a campaign. Some Republicans predict that, after the midterms, the old guard will try to coalesce around a rival candidate to unseat him—names floated include ex-RNC Chairman Mike Duncan and former Senator Norm Coleman. But Steele could be surprisingly tough to dislodge. All he needs is the backing of 85 RNC members, and he has assiduously courted the support of voters in places like Guam and the U.S. Virgin Islands, amassing a sizeable bloc. Besides, it's hard to imagine that he'll ever be able to land another job as prestigious or as, well, fun as this one. He's not likely to go quietly—he never does.

Bradford Plumer

The Mental State

South Carolina whackadoodle, an exegesis.

It's a Saturday morning in mid-September and a reporter, cameraman, and soundwoman from Japan's NHK TV are in Lexington, South Carolina. The town of 10,000 in the state's Midlands region is hosting its first annual Oktoberfest parade, but the inaugural brats, beers, and oompah bands are not what have lured the trio to Lexington's quaint Main Street. The Japanese TV crew is here to see South Carolina Congressman Joe Wilson. A year ago, Wilson was just an anonymous Republican member of the House. Then, one night last September, as President Obama spoke about health care reform to a joint session of Congress, the congressman shouted the words that are destined for the third, and maybe even the second or first, paragraph of his obit: "You lie!" Suddenly, he was a political celebrity—denounced by liberals as a racist, hailed by conservatives as a truth-teller, and now, as he marches through downtown Lexington in search of votes, filmed by a Japanese TV network as an internationally known testament to South Carolina's incredibly nutty politics.

From John C. Calhoun to "Pitchfork" Ben Tillman to Strom Thurmond, South Carolina has long been synonymous with political extremism. But, even by these historical standards, the past two years in South Carolina have featured an extraordinary bumper crop of embarrassments. If it wasn't Governor Mark Sanford coining the term "hiking the Appalachian Trail" as a new euphemism for cheating on your wife, then it was Nikki Haley, the South Carolina politician who's all but certain to succeed him, being forced to deny the claims of two men that she cheated on her husband. Meanwhile, South Carolina's junior senator, Jim DeMint, has become a Tea Party darling for his support of Republican insurgents like Rand Paul, Sharron Angle, and Christine O'Donnell, but is loathed by some of his GOP colleagues in Washington who believe he's cost them a chance to take back the Senate. And the less said about DeMint's current Democratic opponent—the unemployed, indicted, and involuntarily-discharged-from-the-military Alvin Greene—the better.

The P.T. Barnum of this political circus is a 36-year-old blogger named Will Folks. In 2001, Folks was playing bass guitar in a Columbia bar band, when he wrote an op-ed on behalf of some friends who ran a tech start-up and were angling for inclusion on a state-sponsored technology task force. Sanford, then a congressman who was planning to run for governor, read the op-ed and asked Folks to come work on his campaign. Soon, Folks was the governor's press

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- Iris Cross, BP Community Outreach

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Cleanup
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secretary. "I didn't know a damn thing about politics when I got into it," he says. "I knew at the time that I thought all politicians were full of shit, but I was a freaking bar musician. When you're in your mid-twenties listening to grunge, you're not the young Republican type. And now eight years later, they're more full of shit than I ever imagined they were."

Today, Folks, who sports a shaved head and goatee, runs *FITSNews*, a website that chronicles South Carolina's political madness—and has become a must-read for the state's political class. One moment the site is breaking the story of a state senator purportedly using a government-funded competitive grants program to buy key legislative votes; the next it's alleging that a prominent evangelical who sits on the state's board of education is also the pseudonymous author of online pornographic fiction. On the morning that I meet Folks at a coffee shop in Columbia, he's still basking in the glow of his latest scoop: pictures of the state senate president dressed up in a Confederate general's costume alongside two African Americans in "antebellum" attire. "Everybody in the state knows the guy dresses up like a Confederate all the time, so it wasn't surprising," Folks says. "I think it was just the juxtaposition."

FITSNews's biggest story to date—the one that, according to Folks, brought it a "shit-ton of hits"—was the one he wrote this past May about himself. Two weeks before the Republican gubernatorial primary, Folks claimed that he'd had "an inappropriate physical relationship" with Nikki Haley. Haley denied the charge, and the phone records and text messages that Folks offered as proof of their affair merely showed that the two had been in contact; but his accusation led to similar claims from another man. Strangely enough, the allegations actually seemed to help Haley, and she wound up winning the primary. Folks—who endorsed Haley—continues to insist he has incriminating e-mails from her that he has yet to release. He says he will use them in a book, which he's now shopping around. "I don't think it looks good for her," he says. "I'm content to sit back and write my book, let people say what they say about it, and maybe by the time I publish my book, maybe she will be a national contender."

One of the few South Carolina pols to maintain his dignity amidst all this insanity has been John Spratt. As the dean of the state's congressional delegation, having first been elected to the House in 1982, he's long toiled in the shadow of his more flamboyant colleagues. But his low-key nature and dogged work ethic have allowed him to build up significant influence on Capitol Hill, where he now chairs the House Budget Committee and is the second-ranking Democrat on the Armed Services Committee. What he lacks in star power he more than makes up for in the real thing.

Now Spratt's remarkable career appears to be nearing an end. At 67 years old, he was recently diagnosed with Parkinson's disease and exhibits a slight tremor. More significantly, he's facing a restless group of constituents in his upstate congressional district who appear poised to replace him with a Republican state senator and Tea Party favorite named Mick Mulvaney. "I've had tougher opponents," Spratt tells me, when I catch him at a campaign rally at the civic center in the cotton-growing town of Bennettsville, "but none of them had the momentum like the momentum that's building now, and that's the advantage my current opponent has—that he's riding the crest of a long wave."

It's a Friday night, and the crowd that has turned out at the civic center is solidly Democratic. But Spratt spends the bulk of his speech in a defensive crouch, trying to make the case that he and, by extension, congressional Democrats and the Obama administration are not to blame for the current economic mess. "Now you may talk about, we haven't seen any jobs around here in this district, but think about the jobs that would have been lost without the recovery act," he argues over the tinny PA system. "It would have been worse, far worse." After the rally, Spratt almost seems resigned to his fate. "This is what I've wanted to do since I was in about eleventh grade," he says, a valedictory note creeping into his voice.

Indeed, despite the efforts of Spratt and other Democrats, there isn't much evidence that the state's immediate future will be any saner than its recent past. At a Sunday fish fry for Joe Wilson's Democratic opponent, I meet a woman named Mary Jeffcoat, who doesn't even live in Wilson's district but drove three and a half hours for the event. "After 'You lie,' I just felt like we needed to get Wilson out of the South Carolina delegation," she tells me. "We've been the nation's political punch line for too long." Wilson, meanwhile, is a fairly safe bet to be reelected in November.

Jason Zengerle

Cap and Charade

The green jobs myth.

In August 2008, then-candidate Barack Obama traveled to Lansing, Michigan, to lay out an ambitious ten-year plan for revitalizing, and fundamentally altering, the American economy. His administration, he vowed, would midwife new clean-energy industries, reduce dependence on foreign oil, and create five million green jobs. "Will America watch as the clean-energy jobs and industries of the future flourish in countries like Spain, Japan, or Germany?" Obama asked. "Or will we create them here, in the greatest country on earth, with the most talented, productive workers in the world?"

Two years later, the answer to that second question appears to be no. Obama's environmental agenda is in tatters. His green jobs plan has done little to make a dent in unemployment, which persists at close to 10 percent. Obama's signature environmental initiative, cap-and-trade, died in the Senate in July. And, during the first year of Obama's tenure, China massively outspent the United States on clean-energy technology.

The story of how Obama's green agenda came up empty is more complicated than the one conventionally told by Democrats and greens, who imagine that cap-and-trade would have been transformational had Republicans and global-warming deniers not gotten in the way. In truth, the president's strategy was flawed from the start. Cap-and-trade would not have birthed a domestic clean-energy economy—indeed, it wasn't designed to. Meanwhile, the administration's green stimulus spending was split between short-term, if worthy, investments in green technology, to which far too little money was allocated, and overhyped public-works projects that would never have delivered the new industrial economy Obama promised as a candidate.

Shortly before the House passed its version of cap-and-trade legislation last year, the Center for American Progress (CAP), headed by Obama transition director John Podesta, released a study claiming that the cap-and-trade bill and the stimulus combined would create 1.7 million new jobs. Democrats repeatedly pointed to the CAP report to support their jobs claims. Extrapolating from the report's analysis, it seems that over half of the new jobs, almost 900,000, were supposed to come

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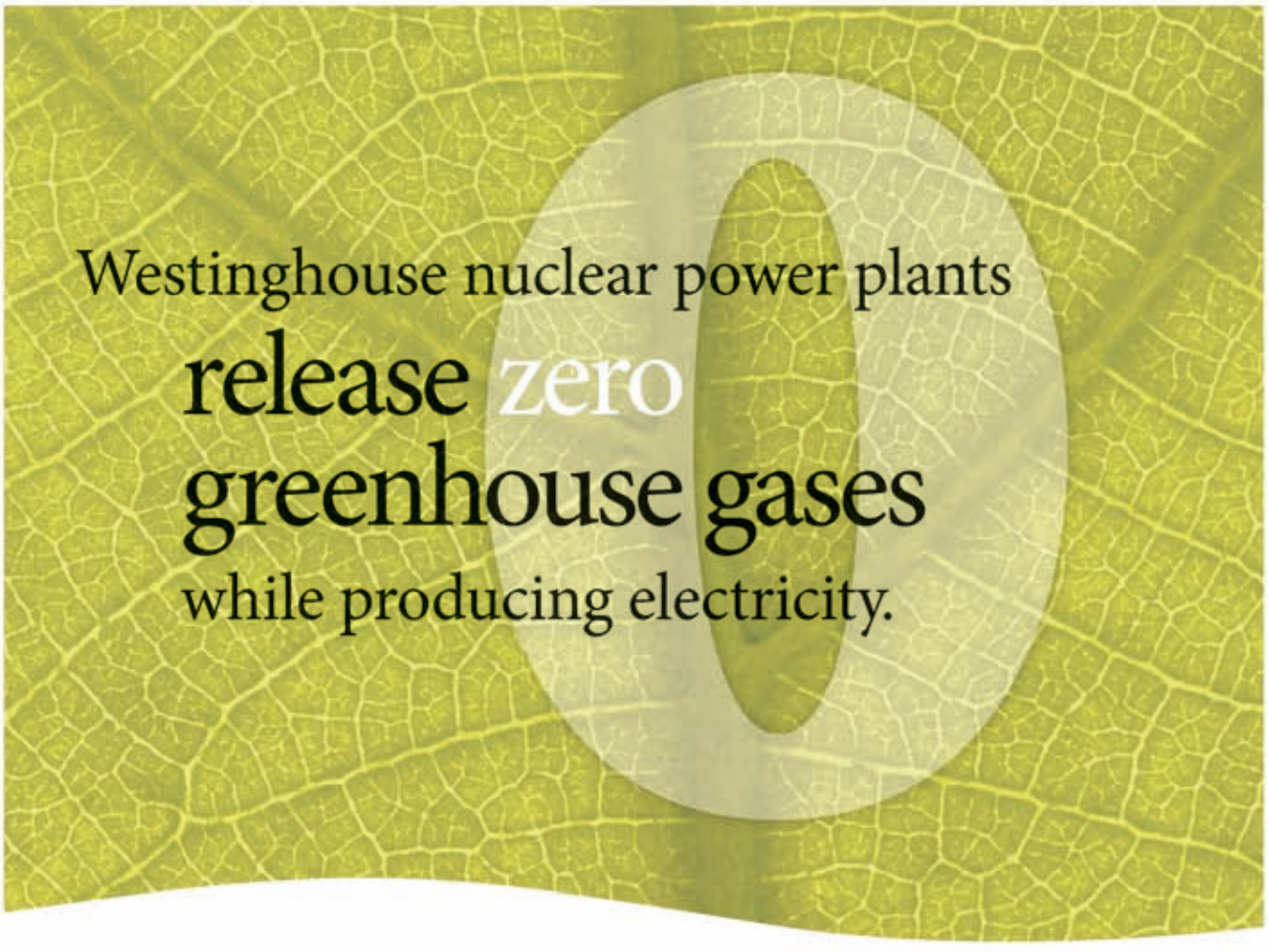

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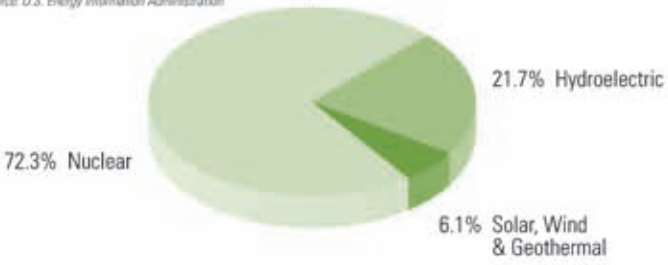

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THE NEW REPUBLIC (ISSN 0028-6583), Vol. 241, Number 17, Issue 4,892, October 28, 2010. (Printed in the United States on October 6, 2010.) Published biweekly (except for skipped publication dates of March 4, April 22, August 5, August 26, September 16, October 7, November 25, and December 16 & 23, 2010) at 1331 H Street, NW, Suite 700, Washington, D.C. 20005. Telephone (202) 508-4444. Yearly subscriptions, $79.97; foreign, $119.97 (U.S. funds); Canada, $99.97 (U.S. funds). Back issues, $8.00 domestic and $10.00 foreign/Canada (includes postage & handling). © 2010 by TNR II, LLC. Periodicals postage paid at Washington, D.C., and additional mailing offices. Rights and permissions: fax (202) 204-4871. Indexed in Readers' Guide, Media Review Digest. For hard copy reprints, call (202) 508-4444. Microform, Canadian Periodical Index, and CD-ROM are available through ProQuest, 300 N. Zeeb Road, Ann Arbor, MI 48106. Telephone (800) 521-0600. Postmaster: Send changes of address to The New Republic, P.O. Box 15818, North Hollywood, CA 91615-5818. Member, BPA Worldwide. Send letters and unsolicited manuscripts to letters@tnr.com. Poetry submissions must be e-mailed to poetry@tnr.com. **For subscription inquiries or problems call (800) 827-1289 or visit our website at *www.tnr.com/subscriber-services.***

Too much of the green stimulus money went to overhyped public-works projects.

from building retrofits. The study's authors apparently believed that a mere $5 billion in stimulus funding for weatherization, plus a price on carbon, would leverage $80 billion annually in private investment and lead to the retrofitting of *every single* commercial and residential building in America in just ten years.

Alongside the CAP report, the Natural Resources Defense Council and the leading green jobs group, Green For All, released another study written by two of the same authors, claiming that roughly half of the jobs would benefit low-wage workers and would offer "decent opportunities for promotions and rising wages over time." Indeed, environmentalists such as Van Jones—who had come to prominence calling upon young people to "put down those handguns and pick up some caulking guns" and briefly served as Obama's green jobs czar—claimed that building retrofits and cap-and-trade legislation could save both the planet and the inner city.

In reality, the stimulus's $5 billion weatherization program, according to the Department of Energy, created or saved just 13,000 jobs during the last reported quarter. But, even if more of these jobs had been created, the idea that inner-city youth should see what are essentially janitorial jobs as a pathway out of poverty was always far-fetched. America's black middle class emerged from the steel, ship, and automobile factories of the postwar industrial heyday. Those jobs were high-skill, high-wage, and long-term. They manufactured products that could be sold on domestic and foreign markets, and they provided the economic basis for a dramatic improvement in black America's standard of living. Jobs retrofitting buildings and weatherizing homes are, by contrast, low-skill and short-term.

The passage of cap-and-trade would not have changed any of this. The Obama administration's own analyses concluded that cap-and-trade would have resulted in net job loss, not job creation. That's because the primary obstacle to building a clean-energy economy is not the absence of a carbon price, such as the one that would have been created by cap-and-trade. Rather, it is the vast price gap between fossil fuels and clean-energy technologies. While fossil fuels are energy dense, widely available, easy to consume, and supported by a well-developed infrastructure, the alternatives are costly, cumbersome, intermittent, or all of the above.

The assumptions behind cap-and-trade represented an odd marriage between the environmental left and a faith in the power of markets that is generally associated with the economic right. Operating in the tradition of Democratic neoliberalism that rose to prominence after the Reagan revolution, cap-and-trade advocates argued that private firms

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are better and more efficient at "picking winners," technological and otherwise, than government. Even Jones, a longtime left-winger, accepted the conceit. "The real solution to this whole thing is to put a price on carbon," he told the radio show "Democracy Now!" in the fall of 2008. When neoliberal greens speak grandly of "investments" in clean energy, they are often referring to private ones, not public ones.

While market incentives can help deploy and modestly improve existing technologies, history shows that new technologies and new industries require massive support from governments. The Internet, biomedical research, jet engines, solar power, wind power, nuclear power—all were possible in large part because the government made investments on a scale that private firms simply could not match over a period of decades. Those investments "crowded in" rather than crowded out private dollars—and the results have benefitted virtually all segments of society.

Europe's experiment with carbon pricing bears this out. The European Union has had a cap-and-trade system in place since 2005, and Norway and Sweden have had carbon taxes since the early '90s. None have spurred much innovation. On the contrary, much of Europe has been on a coal-plant-building binge over the last decade. Where European nations have advanced clean-energy technologies—whether wind in Denmark, nuclear in France, or solar in Germany—they did so through direct investments in those technologies that dwarfed the economic incentive provided by carbon pricing.

Obama made some such investments, but, in addition to being short-term, they were relatively small. The majority of the approximately $70 billion in green stimulus money went to retrofitting or stimulating the old economy; about one-third went to building a new one. Notably, even those modest investments had a salutary effect: They saved the American renewables industry, which was in free fall after the 2008 financial crisis, and gave a boost to U.S. manufacturers of electric car batteries.

But whole new industries are not created overnight, which is why China just announced it would be spending $739 billion on "newly developing energy industries" over the next ten years. Obama could have focused on winning a similarly long-term commitment to public investment in green innovation and manufacturing. Instead, he threw his political capital behind cap-and-trade, which was never imagined by the economists who invented it to be a means for creating domestic industries.

Unfortunately, Obama and most Democrats still don't get it. With little job creation to show for their green stimulus investments, White House officials are now touting the short-term benefits of the critical investments in technology and manufacturing. Yet they don't seem particularly intent on blocking them from expiring next year.

Obama appears genuinely moved by the vision of a clean-energy economy. He seems to have convinced himself, however, that America's energy economy can be transformed through carbon markets and efficiency retrofits. The president's proposal to "make clean energy the profitable kind of energy"—which was always code for making fossil fuels more expensive—today needs to be replaced by a focused effort to make clean energy cheap through innovation. Doing so will require large, direct, and sustained federal investments in new energy technologies. This focus on innovation may seem like an indirect way to create jobs, but history shows it is also the one with the strongest record of producing whole new industries—industries that have driven America's long-term economic expansion.

There is a growing consensus in favor of such an effort, which includes some conservatives and Republicans who opposed cap-and-trade. Support for greater investment in energy innovation includes corporate chieftains, such as Bill Gates, GE's Jeff Immelt, and Intel founder Andy Grove, as well as dozens of Nobel laureate scientists and energy policy experts across the ideological spectrum.

The failure of cap-and-trade to make it through the Senate may thus turn out to be a blessing in disguise. It spares the country a program that would have done little to help either the economy or the environment. And it gives Obama and the Democrats an opportunity to reconsider how they might build the clean-energy economy they were elected to deliver. With the right policies, the answer to the question Obama posed two years ago in Lansing—will the United States lead the way in creating clean-energy jobs?—can still be yes.

Michael Shellenberger and Ted Nordhaus

Michael Shellenberger and Ted Nordhaus are co-founders of the Breakthrough Institute.

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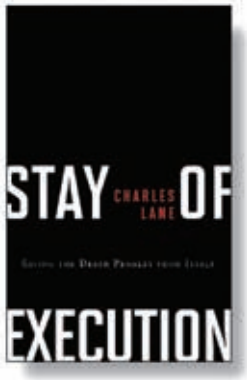

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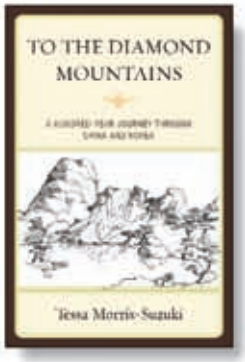

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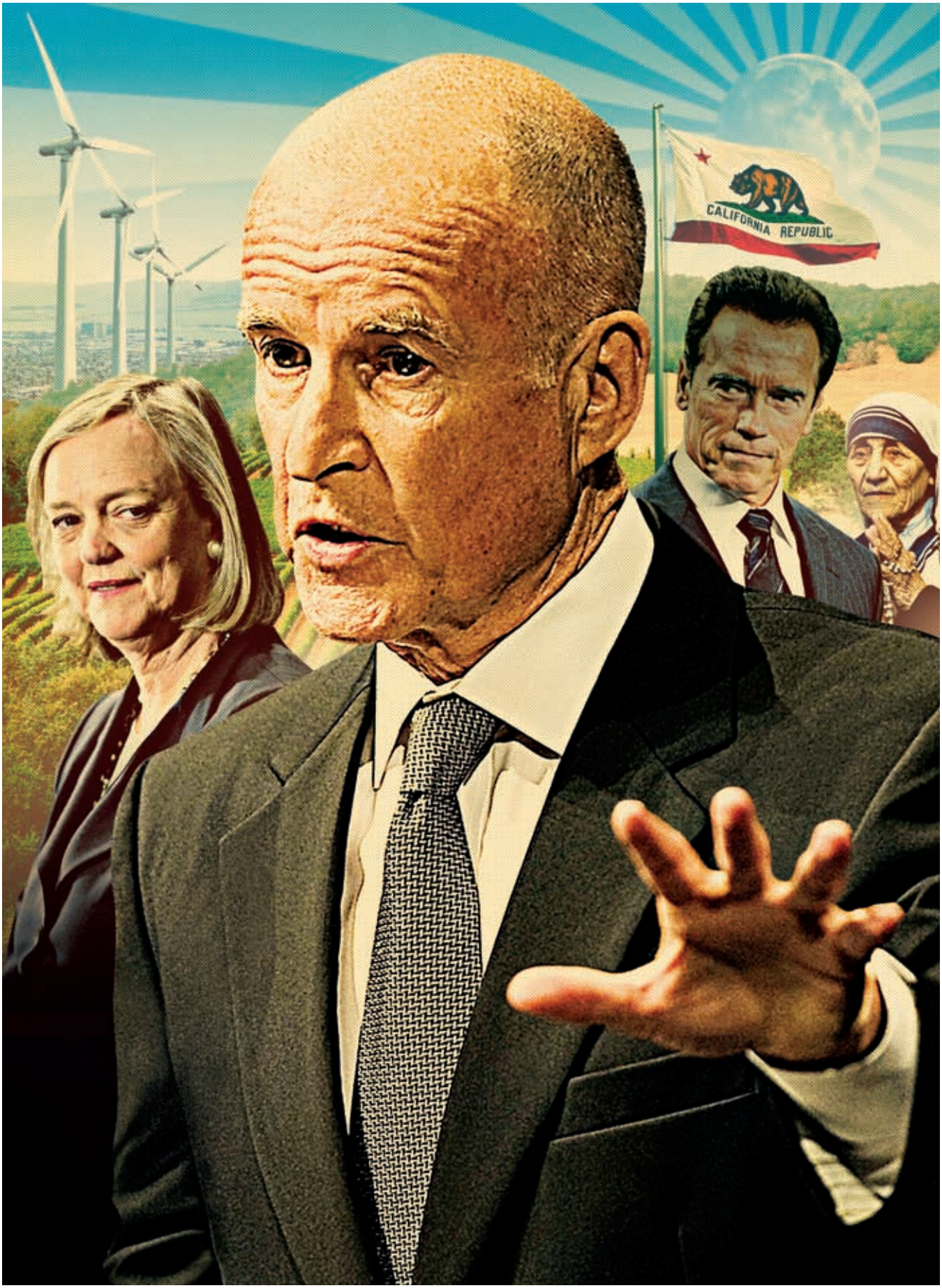

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Brown Knows

The excellent reinvention of Governor Moonbeam.

JOHN B. JUDIS

It was mid-September, and I was driving around downtown Oakland, trying to find the campaign headquarters of Democratic gubernatorial candidate Jerry Brown. Some weeks earlier, I had decided to cover the close-fought California governor's race, and, after contacting both campaigns, I promptly began getting several e-mails a day from the efficient operation of former eBay CEO Meg Whitman. But Brown's outfit was a different story. His press guy, Sterling Clifford, promised to put me on a list, but I never received anything. I called and e-mailed Clifford several times, but he didn't respond. So when I arrived in California, I decided to show up at Brown's campaign office.

The address was in a business district near Jack London Square. I was looking for the usual rented storefront, festooned with banners, with campaign workers toiling behind plate-glass windows. Instead, I found a nondescript brick warehouse with nothing to distinguish it as the nerve center of a statewide political race, except for a "BROWN FOR GOVERNOR" bumper sticker slapped on the front door. It looked like the front for a drug operation or a house of prostitution. I rang the bell, and, after several minutes, a young woman opened the door a crack and nervously asked what I wanted. I felt as if I should request drugs or broads, but instead I inquired if I could speak to Sterling Clifford.

I was led through a dark anteroom into a large, open expanse where volunteers sat around tables chatting, and Brown's campaign staff—that is, Clifford and campaign manager Steve Glazer—worked on a raised platform. I was invited to sit on a recycled couch, and, after a while, Clifford came over. He was a scruffy, thirtysomething operative whose prior political experience consisted of doing press for former Baltimore Mayor Sheila Dixon, who was forced to resign earlier this year after a jury found her guilty of embezzlement.

According to Clifford, I was sitting in the campaign's only office in the entire state. Brown's plan, such as it was, relied on outside groups (presumably unions) and phone volunteers working from their homes to get out the vote, as well as name recognition, an edge in Democratic registration, unpaid media from his current job as California's attorney general, and ads purchased from the campaign's comparatively modest budget, which is less than half the size of Whitman's. Later, I asked someone who had worked closely with Brown over the years about the wisdom of this strategy. He laughed, sighed, then paused for about 20 seconds. "It's not the way I would wage a campaign," he said finally.

This visit left me with a potent feeling of déjà vu. I lived in California during Brown's first term as governor and had voted for him in the 1976 California Democratic presidential primary. I loved his eccentricities—such as his fondness for outré intellectuals and his insistence on replacing the state limousine with a Plymouth. His call for America to acknowledge an "era of limits" seemed right for a country mired in an energy crisis and facing fierce economic competition from abroad. But, like many other liberals, I soured on Brown after he belatedly embraced Proposition 13, which gutted California's finances by slashing residential and commercial property-tax rates while requiring a supermajority for any state or local tax increases. My disillusionment only deepened after covering his nutty presidential campaigns in 1980 and 1992.

Brown's platform in 1980 was eclectic, combining Buckminster Fuller's futurism—the campaign slogan: "Protect the earth, serve the people, explore the universe"—with support for a balanced-budget amendment. In late March that year, I witnessed the so-called "Apocalypse II," when Brown, his fortunes flagging, enlisted Francis Ford Coppola to stage an elaborate happening in the Wisconsin primary. Brown and Coppola bought up the major stations in the state for a live 30-minute media spectacular that was intended to combine Brown's oratory with Coppola's multimedia artistry. But Brown's microphone wouldn't work, while on television, his face broke into pieces as images of hippies and astronauts whirled in the background. Brown—memorably dubbed "Governor Moonbeam" by Chicago columnist Mike Royko—had believed the event would clinch him the primary. Instead, he got 12 percent of the vote and dropped out of the presidential race that night.

As I listened to Clifford expostulating on how the volunteers could make up for the absence of campaign offices by using databases to call up voters, my first thought was that Governor Moonbeam was at it again—and in a race that the polls showed to be winnable. Had Brown learned nothing over the past 40 years? That's certainly what Whitman was charging in a multimillion-dollar barrage of attack ads. So, I decided to revisit Brown's history—as governor and, more recently, as mayor of Oakland. And what I found surprised me. Brown has had his share of failures and snafus—not to mention a characteristically quixotic political midlife crisis from 1982 to 1998. But his record was more impressive than I remembered. I can't quite believe it, but the Jerry Brown I discovered turned out to be an older, wiser version of the guy I once admired.

Brown has had his share of snafus, not to mention a quixotic political midlife crisis from 1982 to 1988.

When Brown was elected governor of California in 1974, he was 36 years old and Hollywood handsome, with chiseled features and dark, piercing eyes. Now 72, he looks the part of an aging politician. Conservative suits sit uneasily on his small frame. He's balding, with wisps of white hair and sagging cheeks that recall his father, Pat Brown, the two-term California governor and Democratic powerhouse. But, in his jarring, raspy voice and questioning gaze, Jerry Brown retains the intensity of his youth.

Brown's eccentricity may have developed partly in defiance of his glad-handing, big-spending father. Brown once said that he was both "attracted and repelled" by what he saw of politics growing up: "The adventure. The opportunity. The grasping, the artificiality, the obvious manipulation and role-playing, the repetition of emotion without feeling, particularly that." After

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a year of college, Brown entered a Jesuit seminary in Los Gatos, where he took vows of poverty, chastity, and obedience, and lived in seclusion for three and a half years. He later said that he learned two fundamental principles from the Jesuits—*agere contra*, or "go against yourself," and *ignatian*, "detachment from creature comforts and worldly desires." In college at Berkeley, he demonstrated against the execution of celebrated cellblock author Caryl Chessman, which his father had allowed to proceed and joined a group that supported the state's farmworkers.

By the time Brown himself reached Sacramento, succeeding Ronald Reagan, the recession was kicking in. The state's unemployment rate was 9.1 percent, and later hit 10.5 percent. Yet Brown's popularity rose from the day he took office. In March 1976, his approval rating in a California poll was 69 percent—the highest that the poll had recorded. Two years later, he was reelected by a record margin of 1.4 million votes.

Brown's appeal partly derived from a savvy self-image. He had a gift for sound bites and symbols, and, by playing the part of an anti-politician, he captured what a generation of post-'60s Californians wanted in a governor—especially in the wake of the Watergate scandal. Disdaining the perks of high office, he lived in a plainly-furnished, $250-a-month apartment, which he insisted on paying for himself. He shunned the usual interest groups and power brokers of Democratic politics, instead surrounding himself with idealistic intellectuals such as the anthropologist Gregory Bateson and Stewart Brand, the publisher of *The Whole Earth Catalog*. The British economist E.F. Schumacher's book *Small Is Beautiful* became the sacred text of the Brown administration.

Brown also developed a political framework that other Democratic politicians, from Jimmy Carter to Barack Obama, would later emulate. Borrowing a metaphor from Bateson, Brown compared his politics to steering a canoe straight by paddling on the left and then on the right side. He backed collective bargaining for public employees and brought women, blacks, and Latinos into the highest circles of state government and the judiciary. In his finest achievement in office, he ended a decade of bitter struggle between farmworkers and growers by getting both parties to agree to an Agricultural Labor Relations Board, which oversaw secret-ballot elections for unionization. But he also railed against waste and "big government," vetoing pay raises for government workers and cutting spending on education and welfare.

From today's vantage point, however, Brown's most striking accomplishment was his response to the energy crisis of the '70s. During his two terms, California became the nation's leader in conservation and renewable energy, adopting the nation's toughest air- and water-pollution standards. Brown got the legislature to pass tax credits for solar, wind, and geothermal energy, and a new energy-efficient building code. He also championed high-speed rail and mass transit, and changed the way utility prices were calculated, so that companies would no longer be rewarded for selling more power.

By the early '80s, Brown was trumpeting the possibilities of micro-technology and a green economy. He called on the education system to prepare students for "information-technology related businesses" and pointed out that energy efficiency could create millions of new jobs. His crusade for renewable energy was abandoned by the two Republican governors who followed him and was only recently revived by Governor Arnold Schwarzenegger. Brown's preference for mass transit over new highways and his installation of designated lanes for, say, car pools and cyclists, was widely mocked at the time but is now a staple of metro planning. He was way ahead of his time.

To be sure, Brown had serious weaknesses as governor. The office failed to hold his attention: He was infatuated with the idea of being president—perhaps as a way of surpassing his father, and perhaps, too, for the publicity it afforded him. In 1980, he told *Los Angeles Times* reporter Robert Scheer, "If I wasn't running for president, would you be talking with me?" As Peter Schrag, the author of several authoritative books on California, put it, he also tended to "dither" when faced with crises or popular pressure—a function, perhaps, of his scorn for interest-group politics. By failing to respond forcefully to California's anti-tax movement, he left the door open for the passage of Proposition 13. And he also became too enamored of his own political formulas. Seeking to paddle on the right as well as the left, he came out for the balanced-budget amendment in 1980 and for a flat tax in his 1992 presidential effort. He eventually ditched these proposals, but they contributed to the failure of his campaigns. They also suggested that Brown, who in 1974 was perfectly attuned to his electorate, had lost touch.

Brown installed himself as the leader of an ageing commune, describing himself as a "recovering politician."

Brown departed the governor's office in January 1983, and, for the next 15 years, he got lost—very lost—in the political wilderness. He lived in a mansion in San Francisco's posh Pacific Heights and travelled to Japan to study Zen Buddhism and to Calcultta to work with Mother Teresa. He was elected chair of the California Democratic Party but quit after two years, explaining that he was bored with the "nuts and bolts" of party organization. His failed 1992 presidential run was the last straw. He sold the mansion, moved to Oakland, and installed himself as the aging leader of a commune, describing himself as a "recovering politician." He also had a regular radio show on Berkeley's KPFA, where he aired opinions on capitalism and globalization that would not have been out of place on the *World Socialist Web Site*. He once referred to President Bill Clinton and Congress as "criminals" who "continue to destroy this country and the world itself." (Most transcripts of the broadcasts have recently been removed from the Web.)

Then, in late 1997, Brown unexpectedly returned to politics, entering the race for mayor of Oakland. He'd clearly missed the spotlight. But Oakland also appears to have appealed to Brown's Jesuit sense of mission. It was a decaying industrial town with a wretched school system, rampant crime, and a history of civic corruption.

As Oakland's mayor, Brown retained some of his familiar quirks. He lived in a downtown loft with Anne Gust, the former chief administrative officer of Gap Inc., whom he married in 2005, and her dog Dharma. He dressed in ratty clothes—when I showed up to interview him five years ago, he was wearing a t-shirt and jeans. But in other ways, he seemed to have become a textbook urban

ANTHONY RUSSO

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reformer. He pushed to revitalize the city's deserted downtown, backed charter schools, and adopted New York City's crime-fighting strategy. At night, he and Dharma could be seen strolling through the central city, without bodyguards, talking to shop owners and passersby.

To revive the downtown, Brown persuaded developers to build 5,832 units, expected to house more than 9,000 people. Shops and restaurants and high-tech start-ups followed, eager to avoid the soaring rents of neighboring Berkeley and San Francisco. An art scene—a key ingredient of a thriving city center—flourished; the Oakland School for the Arts, which Brown started, is now housed in a renovated old theater. Dan Siegel, an Oakland lawyer and former school board member who clashed with Brown over school reform, credits him for making it clear that "developers would be treated honestly and decisions would not be made on the basis of whose palm would be greased, which was clearly the case before." A former official in the Schwarzenegger administration says, "He cared about his city. That was clearly to his credit. He came up to Sacramento and argued for projects for his city. Very few mayors did that."

Brown didn't fare so well with the schools, but nor did he "damage" them, as Whitman has claimed. Brown championed charters to set an example for the public system and tried to pack the school board, which is independent of the mayor. At the end of his tenure, however, Oakland's schoolchildren were only doing marginally better in state tests. Crime rates fell during his two terms, but homicides rose again during his last year in office, as they did elsewhere. Still, his achievement in making Oakland "cool," as the *East Bay Express* put it, outweighed his shortcomings in other areas.

Brown clearly matured during his time as mayor. He dropped both the radio show and his incendiary rhetoric, engaging in a kind of practical politics that he had often avoided in Sacramento. And he was no longer obsessed with being president—perhaps because he had come full circle in his relationship to his father, who died in 1996. Former associates say that instead of competing with his father, Brown now wants to live up to his legacy as one of California's great governors. Jodie Evans, who served under Brown in Sacramento and ran his 1992 campaign, thinks his current election bid "is the way you give back to your father." John Geesman, who was executive director of the California Energy Commission under Brown, says, "It is a lot about personal redemption and communing with your dead parent."

In his first debate with Whitman, on September 28, Brown was funny and irascible about his long and colorful political journey. One reporter asked him why voters should believe that he wouldn't run for president again if he was elected governor. Brown replied, "Age. Hell, if I was younger, you know I'd be running again." He added, "One more thing, I now have a wife. And, you know, I come home at night. I don't try to close down the bars in Sacramento like I used to do when I was governor of California."

If the election were decided on the basis of the candidates' experience in government, Brown would certainly win. Daniel Zingale, who was deputy chief of staff for former governor Gray Davis and a senior adviser to Schwarzenegger, draws a sharp contrast between the two candidates. Brown, he says, "should know what he is getting into. He has always been someone who liked to rock the boat, and I think that fits the time." Whitman, he says, "does not have any idea what the job is like … For a CEOer like her, who is used to telling the comptroller what to do, it would be a rude awakening to discover that the comptroller is going to be running against you in the next election. She doesn't know how powerless she is going to be." But voters don't always make decisions based on résumés.

Brown's energy program could restore California to the vanguard of American industry.

Whitman has poured more than $119 million of her own money into her campaign, making it the most expensive self-financed campaign ever. By November, her spending could exceed $150 million. Some of that sum is being put into ads targeted at wavering constituencies, such as young voters (who lean Democratic, but know nothing of Brown's past) and Latinos. Whitman has inundated Latino voters with Spanish-language ads, while Brown does not even have a Spanish-language website.

Whitman initially seemed to be a good fit for California's electorate, which leans Democratic but is fond of moderate Republicans. She only entered politics in 2008 and before that contributed to Barbara Boxer's Senate campaign and went on a cruise to investigate global warming with Van Jones, who later became Obama's green-jobs czar.

But, since entering the GOP primary, Whitman has tacked right. Her campaign chairman is former Republican governor Pete Wilson, who championed the anti-immigrant Proposition 187 and is widely blamed for wrecking the California GOP. Adopting Wilson's playbook, Whitman has accused Brown of being "joined at the hip" to the public employee unions—which has had the effect of firing them up on behalf of a politician they always distrusted. In addition to the unions, she has blamed the state's problems on teachers, illegal immigrants, and welfare recipients, and proposed to cut 40,000 state jobs, eliminate California's capital-gains tax, and suspend its far-reaching global-warming statute. (Her stance on illegal immigration has recently been overshadowed by the revelation that for nine years she'd employed an undocumented worker as a housekeeper.)

Brown's desire to be governor appears to stem from the same impulse that led him to seek office in Oakland. He wants to stay in the limelight, but he also wants to revive a dying state. To that end, he's refined his old formula. He paddles to the right by promising to "cut waste" and to pass "no new taxes without voter approval." He paddles to the left by rejecting Whitman's plan to reduce the ranks of public workers or suspend Schwarzenegger's climate-change initiative. Perhaps most important, he has a vision of how to rehabilitate California's ailing economy, one that has its roots in his first term in Sacramento. He is championing a clean-energy plan that would reward conservation, boost the state's capacity for renewable energy, and provide jobs for construction workers as well as scientists and engineers.

If Whitman's money prevails, the legislature will quickly disabuse her of her plans, and if she is smart, she will decide, as Schwarzenegger finally did, to govern from the center and not the right. But if Brown can win in spite of his shoestring campaign, he won't have to endure a similar initiation—he knows how Sacramento works. He stands a much better chance than Whitman of breaking the fiscal deadlock, and his clean-energy program could restore California's place as a vanguard of American industry. And if that's not enough, there's another consideration: A Brown administration, whatever its faults, would be infinitely more entertaining. ◆

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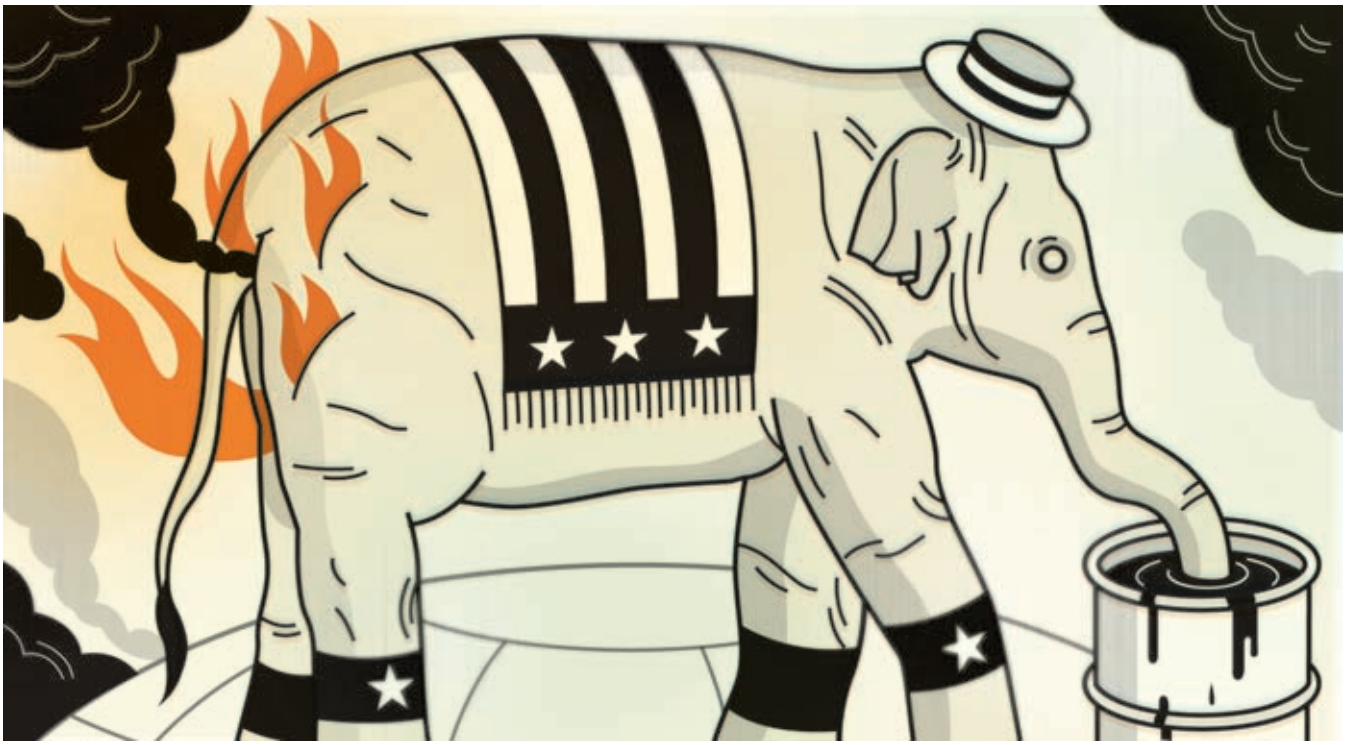
Hot Mess

The GOP goes from climate denial to climate insanity.

BILL MCKIBBEN



On the biggest issue the planet has ever faced, Republicans have checked out completely.

One interesting fact heading into the midterm elections: Almost none of the GOP Senate candidates seem to believe in the idea that humans are heating the planet. A few hedge their bets—John McCain says he's no longer sure if global warming is "man-made or natural." (In 2004, he told me: "The race is on. Are we going to have significant climate change and all its consequences, or are we going to try to do something early on?") Most are more plainspoken. Marco Rubio, for instance, attacks his opponent Charlie Crist as "a believer in man-made global warming," explaining, "I don't think there's the scientific evidence to justify it. The climate is always changing." The most likely cause of that change, according to Ron Johnson, who is leading the Senate race in Wisconsin: "It's far more likely that it's just sunspot activity."

The political implications are clear. Climate legislation didn't pass the current Congress, and it won't have a prayer in the next one. If the Republicans take the Senate, James Inhofe has said that the Environment and Public Works Committee will "stop wasting all of our time on all that silly stuff, all the hearings on global warming." And in the House, Representative Darrell Issa says that he would turn his Oversight and Government Reform Committee over to the eleventeenth investigation of Climategate, the British e-mail scandal. But, for the moment, it's less the legislative fallout that interests me than what this denial of climate change says about modern conservatism. On what is quite possibly the single biggest issue the planet has faced, American conservatism has reached a near-unanimous position, and that position is: pay no attention to all those scientists.

The few exceptions prove the rule. Ronald Bailey, the science writer at *Reason*, converted a few years ago to belief in global warming and called for a carbon tax. His fellow libertarians weren't impressed: Fred Smith, the head of the Competitive Enterprise Institute, suggested that Bailey had been "worn down by his years on the lecture circuit." Jim Manzi, a software exec and contributing editor at *National Review*, wrote a piece asking conservatives to stop denying the science. Even though he's also downplayed the risks of warming, it was enough to earn a brushback pitch from Rush Limbaugh: "Wrong! More carbon dioxide in the atmosphere is not likely to significantly contribute to the greenhouse effect. It's just all part of the hoax." For the most part, even Manzi and Bailey's own colleagues pay them no mind: *National Review* maintains a *Planet Gore* blog devoted to—well, three guesses.

In any event, the occasional magazine column has had no impact at all. Only 10 percent of Republicans think that global warming is very serious, according to recent data. Conservative opinion has been steadily hardening—for decades Republicans were part of the coalition on almost every environmental issue, but now it's positively weird to think that as late as 2004,

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McCain thought it would make sense for a GOP presidential candidate to position himself as a fighter for climate legislation. And all of that is troubling. Because we're going to be dealing with climate change for a very long time, and if one of the great schools of political thought in this country has checked out completely, that process is going to be even harder. I don't have any expectation that conservatives will mute their tune between now and November—but it is worth thinking in some depth about what lies beneath this newly overwhelming sentiment.

One crude answer is money. The fossil-fuel industry has deep wells of it—no business in history has been as profitable as finding, refining, and combusting coal, oil, and gas. Six of the ten largest companies on earth are in the fossil-fuel business. Those companies have spent some small part of their wealth in recent years to underwrite climate change denialism: Jane Mayer's excellent *New Yorker* piece on the Koch brothers is just the latest and best of a string of such exposés dating back to Ross Gelbspan's 1997 book *The Heat Is On*. But while oil and coal contributions track remarkably close to political alignment for many senators, they are not the only explanation. Money only exerts political influence if it can be connected to some ideological stance—even Inhofe won't stand up and say, "I think global warming is a hoax because my campaign treasurer told me to." In fact, some conservatives have begun to question endless fossil-fuel subsidies—since we've known how to burn coal for hundreds of years, it's not clear why the industry needs government help.

Another easy answer would be: Conservatives possess some new information about climate science. That would sure be nice—but sadly, it's wrong. It's the same tiny bunch of skeptics being quoted by right-wing blogs. None are doing new research that casts the slightest doubt on the scientific consensus that's been forming for two decades, a set of conclusions that grows more robust with every issue of *Science* and *Nature* and each new temperature record. The best of the contrarian partisans is Marc Morano, whose *Climate Depot* is an environmental *Drudge Report*: updates on Al Gore's vacation homes, links to an op-ed from some right-wing British tabloid, news that a Colorado ski resort is opening earlier than planned because of a snowstorm. Morano and his colleagues deserve their chortles—they're winning, and doing it with skill and brio—but not because the science is shifting.

No, something else is causing people to fly into a rage about climate. Read the comments on one of the representative websites: Global warming is a "fraud" or a "plot." Scientists are liars out to line their pockets with government grants. Environmentalism is nothing but a money-spinning "scam." These people aren't reading the science and thinking, *I have some questions about this*. They're convinced of a massive conspiracy.

The odd and troubling thing about this stance is not just that it prevents action. It's also profoundly unconservative. If there was ever a radical project, monkeying with the climate would surely qualify. Had the Soviet Union built secret factories to pour carbon dioxide into the atmosphere and threatened to raise the sea level and subvert the Grain Belt, the prevailing conservative response would have been: Bomb them. Bomb them back to the Holocene—to the 10,000-year period of climatic stability now unraveling, the period that underwrote the rise of human civilization that conservatism has taken as its duty to protect. Conservatism has always stressed stability and continuity; since Burke, the watchwords have been tradition, authority, heritage. The globally averaged temperature of the planet has been 57 degrees, give or take, for most of human history; we know that works, that it allows the world we have enjoyed. Now, the finest minds, using the finest equipment, tell us that it's headed toward 61 or 62 or 63 degrees unless we rapidly leave fossil fuel behind, and that, in the words of NASA scientists, this new world won't be "similar to that on which civilization developed and to which life on earth is adapted." Conservatives should be leading the desperate fight to preserve the earth we were born on.

Trying to figure out what is happening in the conservative movement requires more than just recording inanity. John Raese, who is leading the Senate race in West Virginia and who says proudly that he was "a tea partier before the Tea Party existed," recently declared that "one volcano puts out more carbon dioxide than everything that man puts out." This doesn't tell you anything about volcanoes. (Actually, humans emit about one hundred times more carbon than volcanoes.) It tells you that, buried beneath the nonsense, there's a powerful structure of argument, one that needs to be taken seriously.

Part of the conservative creed has always been that markets, left to themselves, accomplish most tasks more efficiently than government regulation. That's true, of course, just as it's true that markets don't do everything you want. (That's why we have cheap deregulated airlines and yet retain the Federal Aviation Administration.) But conservatives have grown more insistent on the deification of markets in recent years; Rand Paul is ever less an outlier. If markets do damage, that's okay—it's creative destruction à la Schumpeter.

But even if you accept that process absolutely within the economic sphere (and very few of us do, which is why Rand Paul just might lose), it doesn't follow that it works outside of it. Destruction of the planet's fundamental physical systems isn't creative—it's just destruction. If Microsoft disappears, innovators will take its place. If Arctic ice disappears, no young John Galt is going to remake it in his garage. The essential question is: Is the environment a subset of the economy, or is it the other way around? Or, more combatively, you really think you can outargue physics? Hayek's good, but atmospheric chemistry is a tough opponent.

If conservatives acknowledged the crisis, they could make a powerful contribution to the solution. One option for tackling global warming is for the government to regulate just about everything. Or, we could limit government's role to simply imposing a price on fossil fuel that reflects the damage it does. This wouldn't even need to be a traditional tax: One proposal gaining ground is to take every dollar produced by such a levy and rebate it to each citizen, using government as a kind of pass-through. You'd get the signal from your electric bill to start insulating, and the numbers on the gas pump would urge you in the direction of a hybrid car, but most people would come out ahead. It's a plan designed with real deference to a conservative understanding of human nature.

Instead of that kind of debate, though, most of the movement has decided to describe any regulation of carbon as eco-fascism. (Recently, for instance, a British green group released a purportedly tongue-in-cheek video in which environmentalists blow up people who don't believe in global warming. According to some right-wing websites, the video wasn't merely a vile political stunt but a preview of impending government policy.) As Christine O'Donnell put it in her attack on the nanny state, "You're not the boss of me." But here's the thing: Carbon dioxide mixes easily and freely in the atmosphere. If the climate change you caused followed you around like Pigpen's cloud, then no problem. But it doesn't—your Navigator drowns Bangladeshis. Given the magnitude of the changes now underway, and

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the way they will foreclose individual choices unto the generations, it's possible to argue that this is the greatest attack on freedom we've ever witnessed.

In response, there's a kind of right-wing nationalism that demands we take no action until China, India, and the rest have played their part. But that doesn't even make mathematical sense—China's per capita emissions are one-quarter of ours. If leadership in the world means anything, then that imposes certain burdens on us. But it feels like resentment is becoming the leitmotif of conservatism, in a way that makes it ever more cramped and ever less noble. In this worldview, environmentalists are seen as scolds or even traitors. A recent poll asked right-wing bloggers to name the worst people in American history. President Obama came in second. The victor? Jimmy Carter, ten spots ahead of John Wilkes Booth (Al Gore was thirteenth, tied with Al Sharpton, Noam Chomsky, Jane Fonda, and Harry Reid). If Jimmy Carter was the worst guy the country ever produced, we're doing pretty well—but surely it was his nagging reminders that there were limits to our national power that account for his ranking. *New York Times* columnist Ross Douthat wrote an embarrassed piece earlier this fall about the failure of conservatives to take climate change seriously—it was the '70s, "a great decade for apocalyptic enthusiasms," that turned many of them off, he concluded. That's not much of an argument—it's like saying "conservatives mostly got it wrong on civil rights, so let's never listen to them again about liberty and freedom."

I HOLD OUT no particular hope that anyone in the conservative movement will listen to me. But I do hold out some hope that, over time, the conservative intellectual tradition will come to grips with climate change.

There are already parts of the generally conservative body politic that have begun to get the message. Our religious institutions, for instance, which send hundreds of thousands of Americans overseas every year to do relief and mission work. Those good-hearted people are starting to understand that development can't happen in a world wracked by increasing climatic chaos. The leaders of many evangelical seminaries and some of the country's largest churches have signed a letter calling for action on global warming with "moral passion and concrete action" and explaining that "Christians must care about climate change because we are called to love our neighbors."

The military has also started to pay close attention. Earlier this year, the Quadrennial Defense Review noted that climate change could "act as an accelerant of instability or conflict." The authors were looking ahead to destabilizing events similar to this year's flood on the Indus—the sharpest blow that Pakistan has suffered in years (which is saying something) and precisely the kind of catastrophe every climate model predicts will become more common in a warmer, wetter world.

What missionaries and militaries have in common is that they have to deal with reality. In fact, that was always the trump card of conservatism: It refused to indulge in sentimentality and idealism, insisting on seeing the world as it was. But, at the moment, it's the right that is indulging in illusion, insisting, fists balled up and face turning red, that the reports from scientists simply can't be true.

I understand why those reports are bad news. Dealing with climate change really will be the most difficult thing we've ever done. (Too many progressives are clinging to their own illusion that we can simply rip the internal combustion engine out of our economy, toss in a windmill, and carry on as before.) The only thing harder than dealing with it will be not dealing with it and inheriting a world radically changed.

Conservatives in much of the rest of the world have figured this out. The new Tory government in England is doing at least as much as its Labour predecessors; in Germany, Angela Merkel is presiding over one of the greatest renewable-energy buildouts ever. And eventually, I imagine, American conservatism, too, will come around and make its vital contributions to the task of figuring out what needs to be done to protect the civilization we should cherish. But we don't have until eventually. We have, the scientists say, a very short time to make very big changes. So let's hope the fever passes quickly.

In the meantime, many of us are rolling up our sleeves and getting down to work. On October 10, in thousands of communities around the country, we're holding a Global Work Party to put up solar panels and dig community gardens and lay out bike paths. We don't think we can stop climate change this way—that will take action to reset the price of carbon. But we do think we can show the way. Not with a Tea Party, but with a work party. Which, in a different era, would have appealed to conservatives above all. ◆

Bill McKibben is a scholar in residence at Middlebury College and founder of 350.org. His most recent book is EAARTH: MAKING A LIFE ON A TOUGH NEW PLANET.

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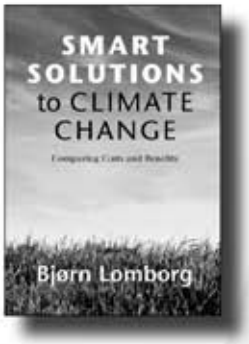

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The Coming Age of Slaughter

Will global warming unleash genocide?

TIMOTHY SNYDER

The age of mass killing, the 1930s and 1940s, was also a moment of environmental panic. World War I had disrupted free trade, and the new Europe was divided between those who needed food and those who controlled it. By the 1960s, improvements in seeds, fertilizers, and pesticides would make surpluses rather than shortages the problem. But, during the crucial 1930s and 1940s, when the decisions were made that sealed the fate of millions, European leaders such as Hitler and Stalin were preoccupied with mastering fertile soil and the people who farmed it.

World War I, in which both Hitler and Stalin played a role, had seemed to show that conquest of cropland meant security and power. It ended in 1918 during a failed German attempt to colonize Ukraine, the breadbasket of Europe. To us, the "Ukrainian breadbasket" is a strange notion—perhaps as strange as the concept of "Saudi oil fields" will be 70 years from now. In the 1930s, however, it was at the center of strategic discussions in Moscow and Berlin. The Soviets held Ukraine and wanted to exploit its black earth; the Nazi leadership, ruling a country that was not self-sufficient in food, wanted to take it back.

Both Hitler's Holocaust and Stalin's Terror took place during an interval of environmental risk: between the identification of a critical environmental problem and the introduction of the technologies that would solve it. National Socialism and Stalinism both identified enemies to be eliminated, of course; and today, when we talk about Nazism and Stalinism, we understandably emphasize the hatred—the racial hatred of Hitler and the class hatred of Stalin. But there was an economic and environmental side to their ideologies as well: Both Hitler and Stalin made killing seem to serve a vision of economic development that would overcome environmental limitations. Perhaps we today tend to ignore this dimension because noting environmental limitations smacks of making excuses for horror. Or perhaps we see the economy as a realm of rationality and so assume that economic thought must not be implicated in apparently emotional projects such as mass killing. Or perhaps we have simply forgotten the environmental constraints of an earlier period, so different from those of our time.

We face our own environmental limitations and so have very good reason to recover this history. We have entered a new interval of environmental risk, an era in which we know that global warming is taking place but do not yet have the means to slow it. We Americans tend to see events of great importance as unique and the end of history around every corner. Of course global warming is an unprecedented challenge, and of course the Holocaust was an unparalleled tragedy. Yet the relationship is not as distant as we may think. We must use what we know of the dire environmental politics of the past to prepare for the calamities yet to come. We can recall that the most dangerous of ideologies were those that unified a promise of environmental mastery with the demonization of the group that seemed to stand in the way. Perhaps, by recalling this history, we can prevent a new age of mass murder.

Stalin adapted Marxism to a country where peasants were the bulk of the population and the grain they produced was a valuable resource. The peasants stood between utopia and its realization. They controlled the grain that could be used to finance the crash industrialization that would bring about Stalin's vision of socialism. Food was valuable on international markets because it was scarce, whereas peasants were worthless in the communist schema because their historical moment had passed.

The more prosperous peasants, said Stalin in 1930, should be "liquidated as a class." In a policy of "collectivization," Soviet authorities used taxes, intimidation, deportation, shootings, and, finally, hunger to transform agriculture into a state concern. When famine followed, Stalin and his allies decided who would starve, even as grain was exported. More than five million people died of starvation in the early '30s in Soviet Ukraine, Soviet Kazakhstan, and Soviet Russia. Stalin claimed to have discovered conspiracies of "Ukrainian demobilizers" and requisitioned food in Ukraine in late 1932 and early 1933, knowing that this would bring millions of deaths. In the fever of belief, communists in Ukraine convinced themselves that the dying were class enemies deliberately starving themselves, as one communist party member put it, "in order to spoil our optimism."

Even as millions of Soviet peasants starved, millions more were sent to concentration camps to labor in mines, canals, and forests. When the condemned peasants returned to their homes after five years in the Gulag, Stalin worried that they would agitate against his regime. Although his Great Terror is remembered for the show trials of prominent communists, its major target was the peasantry. The largest shooting action of the Terror, claiming nearly 400,000 lives in 1937 and 1938, was directed chiefly against "kulaks," people categorized as prosperous peasants. The starvation, the forced labor, and the mass shooting were elements of an ideological campaign for physical control of the countryside. Stalin saw food as the critical resource that would make the state invulnerable to challenges. It would be wrong to see his "war against the peasantry," as the Italian historian Andrea Graziosi aptly called it, as a matter only of inhumanity or only of economics. That is a false choice. Stalinism brought the two together.

Since Nazi Germany was not self-sufficient in food, Hitler wanted what Stalin had. In *Mein Kampf*, Hitler had portrayed war in Eastern Europe as the resolution of Germany's environmental predicament. The destruction of the Soviet Union (and Poland, which was in the way) would bring the Ukrainian breadbasket under German control. Hitler concluded that control of Soviet grain would make Germany "unassailable." German economic planners foresaw that 30 million Soviet citizens would starve to death in the first winter after the invasion of the Soviet Union. Then, according to the long-term colonial blueprint, the western Soviet Union would become an agrarian colony dominated by Germans. This would require the murder, displacement, assimilation, or enslavement of 40 million or so people. The starvation of Soviet prisoners of war began imme-

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diately after the German attack on the Soviet Union in June 1941. The concurrent shooting of Jewish men was meant to hasten the destruction of the Soviet state, which the Nazis claimed was largely directed by Jews. For the Nazis, the Jews were among the gatekeepers to the eastern pastoral paradise that Hitler called "the Garden of Eden."

Hitler believed that Germany would secure Ukrainian food (and Caucasian oil) in a matter of weeks. The invasion of the Soviet Union, he thought, would be "child's play." When the war consumed rather than delivered resources, Jews were blamed, and Jews were killed. When Soviet power did not collapse in summer 1941, the Germans began to exterminate entire Jewish communities in occupied Ukraine. After having murdered Jewish men, the Nazis called Jewish women and children "useless eaters." These words captured the two sides of Nazi ideology: the racial contempt and the obsession with resources. By late 1941, Soviet Jews were being asphyxiated in gas vans. The technology of death by carbon monoxide was then extended westward to occupied Poland. The death factory at Bełżec began operations in spring 1942. Its simple innovation was the attachment of an internal combustion engine to an airtight building. (We hardly ever remember that the internal combustion engines that today warm the atmosphere are the very technology used to gas Jews at Bełżec and other death factories.) In summer 1942, German occupation authorities in Poland used food shortages as an argument to hasten the deportation of Warsaw Jews to Treblinka, a larger death factory built on the same model.

It was Hitler's anti-Semitism, and that of his henchmen and many supporters, that made Jews the primary enemy of the war. But without the Germans' colonial expansion eastward through the main Jewish homelands, the Holocaust would have been impossible. When the war began, about 3 percent of the Jews of Europe were under Hitler's control. Only the occupation of Poland and the western Soviet Union brought Europe's major Jewish populations under German rule.

We are today in the midst of another interval of environmental uncertainty. We have recognized the reality of global warming, but we have not invested sufficiently in possible technical solutions. It seems reasonable to expect that global warming will prove to be at least as frightening to leaders and populations as food shortages—the more so since, among other consequences, it can lead to food shortages. This summer's fires in Russia, made more likely by global warming, raised food prices. The fields of Pakistan are underwater as a result of typhoons, which are also made more likely by global warming.

A number of worrisome scenarios involve China. As Jared Diamond points out, the earth's most populous country has just half the world average of fertile cropland per capita and one-quarter the world average of potable water per capita. As we saw this summer, China's croplands are vulnerable to the typhoons that China's industrialization makes more likely. Much of China's potable water comes from glaciers that are now melting. China is still governed by a communist party that oversaw the starvation of 30 million people between 1958 and 1961 and killed hundreds of thousands during the Cultural Revolution of the 1960s and '70s. It is far from inconceivable that the Chinese leadership could, at some future point, look north to Siberian Russia for the water and cropland that will soon be in very short supply.

Meanwhile, Beijing is leading the charge to purchase cropland in Africa, thereby reducing its availability to Africans. One risk is that pressure from the outside will exacerbate tensions within Africa itself. In Darfur, desertification, brought on by climate change, intensified the competition for arable land and laid some of the groundwork for mass murder.

There now seems to be a consensus among national security experts that we can expect more of the same in the years to come. A report by retired American generals on global warming and U.S. national security, published by the CNA Corporation, speaks of failed states, ungoverned spaces, and widespread war. A report by experts on science and national security, brought together by the Center for Strategic and International Studies and the Center for a New American Security, speaks of mass migration, resource wars, and "geopolitical reordering"—and that's the best-case scenario. In the other scenarios, the authors forecast significantly increased risks of nuclear war and worldwide terrorism.

During intervals of environmental panic, fear itself is the crucial factor, as states and groups are tempted to seize resources for themselves before the crisis worsens. If leaders do not support technical solutions that are feasible in a timely fashion, they may later be tempted by economic preemption through violent means. The longer the interval is expected to last, the greater will be the temptation, in the meantime, to preempt. And when the purpose of conflict is to secure a scarce resource, ideologies can sometimes be found to deny claimants to the resource their humanity. Then comes the spiral of death.

The Holocaust was an unprecedented crime. But, as the Israeli historian Yehuda Bauer likes to say, just because a historical event was unprecedented does not mean that something similar cannot happen in the future. If new ideologies were to unite contempt for others with plans for economic security in conditions of environmental threat, the mass killing of the last century could repeat itself. No one, of course, can predict when or where such ideologies will emerge. But awareness of the past gives us the capacity to make choices that will decrease the likelihood of future tragedy.

After having murdered Jewish men, the Nazis called Jewish women and children "useless eaters."

We must invest in the technical solutions that will make our current interval of environmental panic as brief as possible. One candidate is fusion; and, to give the Chinese credit, China has made fusion a higher priority than the United States. Other candidates are advanced fission, photovoltaics, electric vehicles, and biofuels. Had food been bountiful in Europe slightly earlier, had seeds, fertilizers, and pesticides been as good in the 1920s as they were by the 1960s, it is exceedingly unlikely that the Nazi and Stalinist regimes would have taken the forms they did. If we find a way to a renewable energy economy in the 2020s rather than the 2060s, we can perhaps spare ourselves not only environmental collapse, but also ideologies of mass murder that will tempt leaders with violent solutions to environmental problems.

Those who follow such ideologies will be responsible for their deeds. But we are all responsible for the environment. ◆

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Stanley Kauffmann on Films

KINDS OF FAITH

Rob Epstein and Jeffrey Friedman have celebrated a poem. Experienced film-makers, they have made a picture dedicated to the single most famous American poem of the last hundred years, Allen Ginsberg's "Howl." The result is far from an ordinary educational tool: it is a talented attempt to transmute the sweep of the poem to the screen, along with some acquaintance with the poet.

Epstein and Friedman used four approaches. Basic is the straightforward reading of sections of the poem by the actor playing Ginsberg. Then, while some of the poem is being read, the screen explodes in animation (by John Hays)—a spectral figure moves, flees, through atmospheric vistas related to what we are hearing. There are also interplayed bits of interviews—professionally lucid—with the film's Ginsberg but using the poet's words. Finally, there are sequences of the California courtroom in which the poem's publisher was tried for obscenity.

Ginsberg is played by James Franco, an actor who is now noted for matters besides acting. In films he has already made a considerable mark, but he has also exhibited artwork, taken various college courses, and is now a doctoral candidate in English at Yale. Whatever his other interests, he is a capable actor. We first see his Ginsberg in a San Francisco café in 1955, reading "Howl" to a coterie. (All the sequences other than the "present" ones are in black and white.) As Ginsberg, Franco reads "Howl" with enough flavor to convince us that this is his poem.

The poem itself, as he begins it, seems to have been born where it belongs—in the human voice. This long work was written for Carl Solomon, a friend of Ginsberg's who was then in a mental hospital in New York. Ginsberg sings of the America that has, he implies, put Solomon where he is—the America of continuing hopes and disappointments, of nobility and detritus, of frenzy and noise, of beauty and cancer of the soul. (At the film's end, we are told that Solomon was eventually released and resumed his life in that America.)

When "Howl" was published, William Carlos Williams wrote an admiring foreword. In other eyes it has often been seen as Whitmanesque, in its continuing play of muscular form, its free far-flung verse, its national address. But—not to speak of other matters—there is a basic difference. Whitman was a musician of hope and promise: Ginsberg's poem is hardly a ballad of hope. The so-called "Footnote" to the poem, which repeats and repeats the word "holy" attached to a wild assortment of nouns, is a kind of breath-catching after an aria that both laments and accepts the harsh way that things are.

The film has some light, yet it is at the last insufficient. When the poem first appeared, it was read as the work of an unusual person. The Ginsberg we see here is an amiable young man who smokes pot and does a lot of hanging out with his chief lover, Peter Orlovsky, and with Jack Kerouac and Neal Cassady. Certainly this is true, but it leaves out the man who broke rules and laws from an early age just to keep from fitting in. When Ginsberg was at Columbia, after some egregious misbehavior, he was arrested for either robbery or receiving stolen goods. All these aberrations were presumably deliberate, iconoclastic, anti-conventional. It took the combined efforts of Lionel Trilling and Jacques Barzun, both of whom thought him an exceptional student, to keep him out of prison. (They helped arrange a free year of treatment for him at Columbia's psychiatric hospital instead.) The film doesn't show us the Ginsberg whom I saw some time later, smilingly undressing onstage at the Brooklyn Academy of Music before a cheering protest meeting—chiefly to show that, in the Beat age, another rule could be broken. (Friends stopped him.)

HOWL
Oscilloscope Pictures

LETTERS TO FATHER JACOB
Olive Films

The film could not have been a full biography, but it lacks the color of a work from a poet who was leading as public, disruptive, and epitomic a life as he could. In a sequence of the obscenity trial, a defense lawyer states that it is disproportionate to judge a phrase extracted from a whole work. *Howl* gives us much more than phrases of Ginsberg's, but the film has taken his poem out of its context. It was and surely is still seen as the outburst of that particular person at that time. I can't think of any other Anglophone poet since Byron whose public persona was so vivid. "Howl" was especially striking because it came from that public person, who is not in the film.

We surrender at once to a Finnish picture called *Letters to Father Jacob*. The first shot is transfixing. A serious man, seriously dressed, is seated at a desk speaking to someone we can't see. His face and body are sculpted out of light. Around him is darkness, as there could not be in life. The moment we see him we know that, in its making at least, the film means to aim above the usual. Films begin with establishing shots, don't they? In recog-

ANTHONY RUSSO

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nizable places? This director thinks otherwise. He begins with an icon.

We quickly learn, as this man speaks, that he is the warden of a prison and that the person he is addressing is a lifer who is being released after twelve years. That prisoner has behaved well, has never asked for parole, has never permitted visitors. Then we see the prisoner—another surprise. It is a woman, and not a haggard odd face but a pudgy middle-aged woman. She is being released because an old country priest needs a housekeeper, has learned this woman's story, and has specifically asked for her. Because of her quiet prison record, the priest's wish is being granted.

Thus the opening moments. What follows never wavers in visual vigor or truthful acting. The screenplay, however, is almost exactly the contrary of the fresh making of the film. All the engaging vitality of the picture's means is spent on an essentially worn story. The lifer, a tough bird named Leila Sten, is placed in the house of a lovable, loving, blind old priest, Father Jacob, who is an exemplary Christian. What can possibly happen in this picture except that his purity is going to improve her? Some surprises come along the way, but they are all complementary to the main predictable moral growth.

Father Jacob is well known in a way. Daily the postman bicycles out to his house and church in the country and delivers packets of letters asking the priest for advice or consolation or prayer. Jacob is far behind in his correspondence: bundles of letters are under his bed—and presumably Leila is to help him. All of course does not go smoothly between the two, despite his meekness, but the ending is no surprise.

Through most of this film, I kept worrying about something. Why did this exceptionally gifted director, Klaus Härö, want to do this script? He himself wrote the screenplay from a story by someone else. Why? The result is an almost perfect mismatch, as if Martin Scorsese had followed up *The Last Temptation of Christ* with a remake of *A Christmas Carol*. The film is stylistically sharp; the two main performances by Kaarina Hazard and Heikki Nousiainen are redoubtable; the rest is just comfortable cliché. But though the film merely strokes us gently with the familiar, at least we meet an exceptional director.

Postscript. The film world changed in September. One element has left. For the last fifty years, no matter what else was happening in that world, we knew that Claude Chabrol was making a film. He died on September 12, in Paris, at age eighty; and that flow of (practically) a film a year has halted. His work, varying of course in interest, rarely varied in the quality of its making. Besides the obvious fact that his films will be missed, we will also miss the constant knowledge that one is coming. (Well, one more is coming: *Inspector Bellamy* with Gérard Depardieu.)

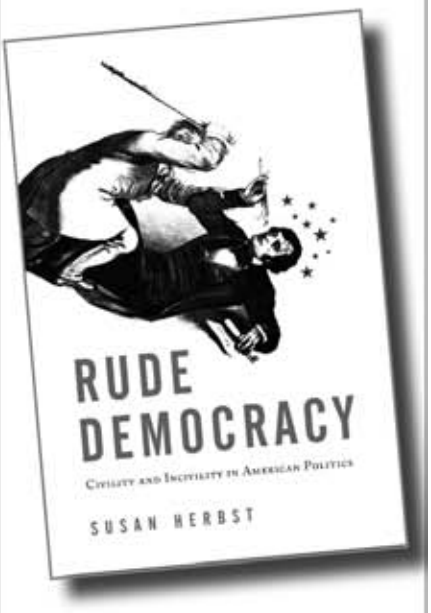
Chabrol's career was singular. He began as a critic in the *Cahiers du Cinéma* group, and with one of that group, Eric Rohmer, he wrote a book on Hitchcock. He made shorts. In 1952 he married (the first of three wives) and with some money that his wife inherited he made his first feature, *Le Beau Serge*. The prestige of this work and his very active support in every way helped to promote several others in the New Wave.

After a few more films in that *Cahiers* atmosphere, works of some sort of social or textural adventure, his consequent work, without losing any of its formal distinction, became more popular. It would be teasingly inaccurate to call him a sellout: he was seduced by the pleasure of making films into making as many as he could. Many commentators (myself included) have quoted John Russell Taylor's remark that it is difficult to evoke Chabrol's films on paper "because so much of the overall effect turns on Chabrol's sheer hedonistic relish for the medium."

Far from the tone of his earlier pictures, most of Chabrol's subsequent films involved mystery and murder without being anything like thrillers of the conventional type or even like his adored Hitchcock. His stories almost always had a core of character pertinence. Character was usually his chief concern—entanglements, oppositions, collusions, and drastic results, all seen with a kind of Gallic sophistication and all slightly tinged with comic despair. The action was never less than immediate and whole, yet often we got the sense that he was sitting next to us, saying, "Now look at *this*."

His chief latter-day attempt at something different, *Madame Bovary*, was not one of his best. For myself, insofar as I can sort through in my mind the dozens of Chabrol films that I have seen, two immediately stand out: *This Man Must Die*, in which a man seeks the runaway driver who killed his child, and *Landru*, in which Chabrol treated with magical irony the Bluebeard story that Chaplin had used in *Monsieur Verdoux*. The two pictures could and should be shown together. It is almost enough to say of Chabrol's life that his film is a fit companion for Chaplin. ◆

"Must reading for anyone trying to make sense of the current incivility in partisan politics."
—Robert Shapiro



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Amartya Sen

RIGHTS, WORDS, AND LAWS

Constitutions and their motivation.

I.

Words have meanings, often more than one. Many words also have evocative power and communicative reach that go well beyond the restricted use of these terms with well-defined professional delineation. In 1911, when Christabel Pankhurst asserted in a speech in London that "we are here to claim our right as women, not only to be free, but to fight for freedom," adding that this is "our right as well as our duty," she communicated a great deal. And she did so despite the difference between her use of the term "right" and any legal concept of "right" that could be sustained as a claim in any then-existing court of law. Women did not have the right to vote in Britain in 1911, nor would that right be achieved until seventeen years after Pankhurst's speech, in 1928.

An immediate question that is raised by this duality concerns the connection, if any, between the two types of uses of the concept of rights—the one based on legal force and the other offering moral and political motivation. It would be odd if the two concepts resided in isolation in a totally separated universe. In fact they do not; but it is just as important to recognize that they reflect distinct notions of rights as it is to try to understand the connections between them. This plurality of meanings has been quite central, over several centuries, to debates on rights, and it is particularly important to see its relevance and its reach in understanding the nature and standing of what we now call "human rights."

There are also other issues that connect the understanding of rights to language. There is the question of the interpretation of laws and of constitutions, since words mediate our understanding of how past decisions may bind us today and what should be done here and now. Words cannot but be central to legal debates as well as moral ones. And yet, as Samuel Johnson noted in the preface to *A Dictionary of the English Language*, "Language is only the instrument of science, and words are but the signs of ideas." He also noted that these "signs" are "apt to decay."

The discipline of the attribution of meaning is integrally relevant to some of the pressing American debates on legal understanding, including the crucial question of the interpretation of the American Constitution. It has a close bearing, for example, on the plausibility and reach of what is called "originalism," a powerful approach to constitutional understanding pursued in varying forms by Robert Bork, Antonin Scalia, and Steven G. Calabresi, among others. I will argue that it is hard not to be an "originalist" in some sense, in applying an already existing constitution—and yet that recognition still leaves open important decisions about what exactly of the original enterprise needs to be preserved: the language used, the intentions underlying it, or what we might call its constitutional motivation? It is important to understand in this context the philosophical engagement about social organization that occurred during the European Enlightenment—the period in which the American constitution also had its origin.

In *Anarchical Fallacies*, in 1791–1792, Jeremy Bentham issued a hugely obdurate attack on the idea of what we would today call "human rights." Bentham was denouncing the French declaration of "the rights of man" in 1789. He dismissed the French claim that men and women had some "natural rights." He argued that the idea of natural rights was "simple nonsense," going on to describe "natural and imprescriptible rights" as "rhetorical nonsense—nonsense upon stilts." In dismissing in this way the very idea of any kind of pre-legal human rights, Bentham would have found Christabel Pankhurst's speech as no more than heaps and heaps of "simple nonsense."

Bentham explained his position thus: "*Right*, the substantive *right*, is the child of law: from *real* laws come *real* rights; but from *imaginary* laws, from law of nature," can come, he insisted, only "*imaginary* rights." It is easy to see that Bentham's rejection of the idea of the natural "rights of man" depends entirely on his insistence on a legal authorization for the use of the term "rights." And yet, even as Bentham was presenting his no-nonsense repudiation, the idea that some rights precede legislation was being pursued with much insight and force of thought by such pioneering social thinkers as Thomas Paine in *Rights of Man* and Mary Wollstonecraft in *A Vindication of the Rights of Men* and *A Vindication of the Rights of Woman*.

The impasse between the different meanings is important to recognize, since the idea of human rights is such an important area of social thought and action today. To avoid any confusion, we must note the fact that there are areas of legislation that are described as being *about* "human rights," and many countries have laws that are called "human rights laws," but the term "human rights" is not confined in ordinary discourse to already legislated rights.

In an insightful essay called "Are There Any Natural Rights?" which appeared in 1955, the great legal philosopher H. L. A. Hart argued that people "speak of their moral rights mainly when advocating their incorporation in a legal system." Hart went on to add that "the concept of a right belongs to that branch of morality which is specifically concerned to determine when one person's freedom may be limited by another's and so to determine what actions may appropriately be made the subject of coercive legal rules." Rather than seeing rights, as Bentham had, as a "child of law," Hart's view takes the form, in effect, of seeing natural rights (including what we now call human rights) as "parents of law," since they are characterized as moral arguments that lie behind legislation.

Generating arguments and inspirations for legislation is certainly one way in which the ethical and political force of human rights has been constructively deployed, and Hart's illuminating defense of the idea and the usefulness of human rights in this specific context is powerfully explanatory. Many states, and also associations of states, have proceeded to give legal force to certain rights seen as important human rights on the basis of the public recognition of them. The Universal Declaration of Human Rights in 1948, promulgated by the newly established United Nations, was seen by its sponsors, particularly Eleanor Roosevelt, as a template for actual legislation to be taken on board by individual states. And to some extent that has actually happened.

There have been many efforts drawing on this—and other—sources of inspiration.

Amartya Sen is the author, most recently, of The Idea of Justice (Belknap Press). A version of this essay was delivered last spring as the H. L. A. Hart Memorial Lecture at the Faculty of Law in Oxford.

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The European Court of Human Rights, established in 1950 (following the European Convention for the Protection of Human Rights and Fundamental Freedoms), has been empowered to consider cases brought by individuals from the signatory states against violations of human rights. This has been supplemented in the United Kingdom by the Human Rights Act of 1998, aimed at incorporating the main provisions of the European Convention into domestic law, with a supervisory role of the European Court to see "just satisfaction" of these provisions in domestic judgments.

There is no doubt that Hart's clarification was helpful in breaking up—as the police say—a needless brawl, in which Bentham's voice, insisting on a restricted use of the word "rights" only in the legal sense, was high and mighty in chastising dissenters, and in trying to prohibit any different use of the term "rights." And yet Hart's resolution leaves open certain big questions that must also be addressed.

There is the question, for a start, of the interpretation of "natural" in what can be called "natural rights." The claim need not take the form that it is ideally legislated into the statute book everywhere on the ground that this is a "natural right." The appropriateness of legislation may strongly depend on contingent social circumstance. The demand for law need not have much to do with what calls for legislation in some imagined "state of nature." For example, if some residents are arbitrarily excluded from being covered by public health care or from having state-sponsored medical insurance that others already have in the existing institutional structure, the moral and political demand in contention has to be seen in the specific context of the institutional arrangements that exist in that society, from which some are unjustifiably excluded. The issue of discrimination is directly involved also in Christabel Pankhurst's demand that women should have voting rights since men already had such rights. As John Tasioulas has argued in an illuminating essay called "The Moral Reality of Human Rights," "human rights enjoy a temporally-constrained form of universality, so that the question concerning which human rights exist can only be determined within some specified historical context."

Hart was not arguing that the ground for something to be legislated into the statute book is that it is in some pre-existing sense a "natural" right, but rather that "advocating their incorporation in a legal system" can be part of what we understand by the declaration of a "natural right" or a "moral right," no matter how that normative judgment is arrived at. The meaning of "rights" in the moral sense must include this interpretation of the word—as the existence of a corresponding moral claim. The exact ground for such a moral claim is a separate issue from the existence of the moral claim.

A further issue that Hart's clarification keeps open concerns the completeness, as opposed to the relevance (which is clear enough), of the "parents of law" view of human rights seen in moral or political terms. To acknowledge that the recognition of human rights can be aimed at fresh legislation to give legal status to those rights is not the same thing as taking the use of human rights to lie exclusively in determining what should "appropriately be made the subject of coercive legal rules" (in Hart's words). If the case for new laws arises from moral or political priorities to which legislation should cater, should not those same values be pursued, if feasible, also by means other than legislation?

Thus, social monitoring and other activist support provided by such organizations as Human Rights Watch, Amnesty International, Oxfam, Doctors Without Borders, Save the Children, Red Cross, or ActionAid (to consider many different types of NGOs) can themselves help to advance the effectiveness of acknowledged human rights. In many contexts, legislation may not be at all involved. Public exposure and condemnation can play a huge role in preventing violations of what are widely acknowledged to be moral rights of others.

Let me give a particular example. Unlike the human rights commissions in India and in South Africa, which are accorded a secure legal standing in their respective countries, the Human Rights Commission of Pakistan is merely an NGO—but thanks to the inspired and skillful use of public information and agitation (under the visionary leadership of Asma Jahangir and I. A. Rehman, among others) the commission in Pakistan has had quite a substantial effect in securing the respect of the basic civic and social claims of many people in Pakistan. Many Pakistani citizens, along with others elsewhere, may wish that the idea of human rights had an even greater effect on what has been happening there, but it would be a big mistake to deny the serious influence that it does actually possess, despite very adverse circumstances. Public knowledge and informed discussion can play a huge role in making people think about the freedom of

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION

(Act of August 12, 1970: Section 3685, Title 39, United States Code) 1. Publication Title: THE NEW REPUBLIC 2. Publication number: 0028-6583 3. Filing Date: September 30, 2010 4. Issue Frequency: Bi-weekly (except for skipped publications dates January 21, March 4, April 22, August 5, August 26, September 16, October 7, November 25, December 16 and December 23, 2010) 5. Number of issues published annually: 20 6. Annual subscription price: $79.97 7. Complete mailing address of known office of publication: 1331 H Street, NW, Suite 700, Washington, DC 20005 8. Complete mailing address of general business offices of the publisher: 1331 H Street, NW, Suite 700, Washington, DC 20005 9. Names and addresses of Publisher, Editor and Managing Editor: Publisher: Mike Rancilio, 1331 H Street, NW, Suite 700, Washington, DC 20005 Editor: Franklin Foer, 1331 H Street, NW, Suite 700, Washington, DC 20005 Managing Editor: Rachel Morris, 1331 H Street, NW, Suite 700, Washington, DC 20005 10. Owner: TNR II, LLC 1331 H Street, NW, Suite 700, Washington, DC 20005 11. Known bondholders, mortgagees, and other security holders owning or holding 1% or more of total amount of bonds, mortgages, or other securities: None 13. Publication Title: THE NEW REPUBLIC 14. Issue Date for Circulation Data Below: October 14th, 2010 15. Extent and nature of circulation: Average number of copies each issue during preceding 12 months: a. Total number of copies: 42,885 b. Paid and/or requested circulation: (1) Paid/Requested outside-county mail subscriptions stated on form 3541: 32,171 (2) Paid in-county subscriptions: 0 (3) Sales through dealers and carriers, street vendors, counter sales and other non USPS paid distribution: 1,409 (4) Other classes mailed through the USPS: 561 c. Total paid and/or requested circulation: 34,141 d. Free distribution by mail (samples, complimentary, and other free):(1) Outside county as stated on form 3541: 531 (2) In county as stated on form 3541: 0 (3) Other classes mailed through the USPS: 0 (4) Free Distribution Outside the Mail (Carriers or Other Means): 2,984 e. Total free distribution: 3,515 f. Total Distribution (Sum of 15c and 15e): 37,656 g. Copies not distributed: 5,229 h. Total (sum of 15f & g): 42,885 i. Percent Paid and/or Requested Circulation (15c/15f x 100): 90.7% Actual number of copies of a single issue published nearest to filing date: a. Total number of copies: 39,705 b. Paid and/or requested circulation: (1). Paid/requested outside county mail subscriptions stated on form 3541: 29,461 (2). Paid in county subscriptions: 0 (3) Sales through dealers and carriers, street vendors, counter sales and other non USPS paid distribution: 1,298 (4) Other classes mailed through the USPS: 568 c. Total paid and/or requested circulation: 31,327 d. Free distribution by mail, (samples, complimentary, and other free) (1) Outside county as stated on form 3541: 627 (2) In county as stated on form 3541: 0 (3) Other classes mailed through USPS: 0 (4) Free Distribution Outside the mail (Carriers or Other Means): 2,934 e. Total Free distribution: 3,561 f. Total Distribution (Sum of 15c and 15e): 34,888 g. Copies not distributed: 4,817 i. Total (sum of 15f & g): 39,705 i. Percent Paid and/or Requested Circulation: 89.8% 16. Publication of Statement of Ownership: October 28, 2010 17. I certify that all information on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (*including fines and imprisonment*) and/or civil sanctions (*including civil penalties*) (signed) Allen Chin, Chief Financial Officer

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others and about the unacceptability of violating their human rights.

Indeed, it was the secretly videotaped film of the public flogging of a young woman in the Taliban-controlled Swat district, for some alleged transgression in the eyes of the Taliban, that outraged Pakistani civil society and provoked it to take an active interest in preventing such abuse. And it was this awakened social interest related to information coming through the media that paved the way for the long-delayed decision by the Pakistani military to launch an operation to remove the Pakistani Taliban from the Swat Valley. There was no legal change, and yet the realization of the human rights of the people involved was significantly promoted by the Pakistani human rights movement through non-legislative activities.

This also raises an interesting question about the ideal domain of the legislative route. It is sometimes presumed that if an unlegislated human right is important, then it would be ideal to try to legislate that human right into a precisely specified legal right. This is, in fact, a non sequitur, since legislation is not the only way of advancing human rights, nor is it necessarily the best way of going about it. For example, recognizing and defending a wife's right to have an effective voice in family decisions, often denied in male-dominated traditional societies, may well be extremely important, and may be widely recognized as such. And yet the advocates of this right, who emphasize, correctly, its far-reaching ethical and political relevance, can plausibly agree that it is not sensible to make this human right into a "coercive legal rule" in one form or another—say, by taking the non-consulting husband into custody for his lapse. The required changes would have to be brought about in other ways, by means of social criticism as well as public debates and agitation. This recognition would not have come as a surprise to Wollstonecraft, who already in 1792 discussed a variety of different ways in which the realization of women's rights could be advanced.

II.

If it is important to look beyond the legal route in making human rights more effective, there is also the important issue of identifying the nature and the scope of the legal route itself, since it need not always involve fresh legislation. The reach of law also depends on the interpretation of existing laws. The legal route of incorporating considerations of human rights that come to carry political conviction may not invariably involve new legislation.

There is, understandably, considerable debate on how much discretion judges should have in order to bring about changes in the application of existing laws through the legal interpretations reflected in their judgments. There have been serious arguments presented by judges as well as legal theorists for making more room for the "here and now" in legal decisions in the contemporary world. Justice Stephen Breyer has powerfully argued, in *Active Liberty: Interpreting Our Democratic Constitution*, in favor of paying attention to "the purpose and consequence" of existing laws, including constitutional provisions, in interpreting the laws.

On the other side, the school of legal thought known as "originalism" insists that the original content of the constitution must be preserved, thereby firmly constraining the liberty that can be taken in contemporary judicial decisions. Justice Antonin Scalia has famously articulated his insistence on this requirement, along with his unconcealed frustration at departures from originalism, denouncing something that he calls the philosophy of the "living Constitution," which he sees as a counterpoint to the originalist philosophy. I quote from Justice Scalia:

> The interpretive philosophy of the "living Constitution"—a document whose meaning changes to suit the times, as the Supreme Court sees the times—continues to predominate in the courts, and in the law schools. Indeed, it even predominates in the perception of the ordinary citizen, who has come to believe that what he violently abhors must be unconstitutional. It is no easy task to wean the public, the professoriate, and (especially) the judiciary away from such a seductive and judge-empowering philosophy.

The case for restraining judges has been sharply expressed also by Steven G. Calabresi, a leading legal philosopher who edited the influential book *Originalism: A Quarter-Century of Debate*:

> Why on Earth should the citizens of a democracy allow a committee of unelected lawyers to make binding rules on the most sensitive issues of morality and religion on a five-to-four vote based on their own personal moral and religious beliefs?

There is, clearly, much force in this argument, but the moral and religious beliefs of judges are not the only possible source of resourceful departure in the interpretation of law. We have to ask whether contemporary public reasoning and the understanding generated by it can or cannot be accepted as a legitimate influence in legal interpretation. Calabresi's exclusion does not close the door to such influence, though we have to be clear about how such influence may be legitimately allowed. The issue in this context is not whether the judges should be capriciously free to insert their own personal beliefs, but whether a new public recognition of the appropriateness of some putative legal rights should not be reflected in contemporary legal judgments. What room is there for moving with the times, particularly since the world that the Framers of the Constitution faced was so very different from the contemporary world? It involved the acceptance of many practices that would be seen today as totally unjust, and even as strange, such as slavery and the exclusion of women from the electoral process.

The discipline of interpreting the Constitution clearly has to be a part of the specification of any "originalist" approach. This was importantly delineated by the "intellectual godfather of originalism" (Calabresi's phrase), Robert H. Bork. The views that Bork presents include the insistence that the judges today must "interpret the [Constitution's] words according to the intentions of those who drafted, proposed, and ratified" them. Yet giving the intentions rather than the words chosen in the Constitution an unassailable status is not the only way originalism can be understood—nor, it has been argued, is it particularly plausible. As Calabresi puts it, "The original public meaning of the Constitution's words as revealed in old dictionaries is certainly law, but there is no reason to think that the un-enacted, idiosyncratic intentions of particular Framers are law."

The point about "idiosyncrasy" is well taken, but the priority of words over intentions calls for further scrutiny. The old Constitution can speak to us today in two ways: through the *motivation* behind the rules of the kind that the Framers sought in order to make it possible for people with different interests and divergent views to live and prosper together, or through the *words* they used to translate their constitutional motivation into specific rules. Calabresi demands that we concentrate on the latter route—a rich and powerful approach that I will presently scrutinize—but is it really

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so odd to consider seriously the motivation behind the Constitution and behind the words that were chosen, rather than only the words themselves?

Motivation is not, of course, the same thing as the specific intentions of particular Framers. Calabresi is surely right to be skeptical of making everything turn on something that can be quite psychological—and peculiarly personal. But behind the Framers' intentions there was, surely, a social vision of constitutional appropriateness, which would make room for people with divergent interests and values to live together (protecting in particular "the individual's integrity and inherent dignity," as Bernard Bailyn puts it). This enabling vision may be called "the constitutional motivation," and it could even be seen, without straining our imagination a great deal, as the "intention" of the Constitution.

The identification of an appropriate constitutional motivation was a central political exercise in the European Enlightenment, at a time when the American constitution was also crafted; and this enterprise engaged exponents of social contract theory (such as Hobbes, Rousseau, and Kant) as well as theorists of "social choice" (such as Condorcet and Adam Smith). These political explorations have been continued in our own time, in diverse ways, by such writers as John Rawls, Kenneth Arrow, James Buchanan, Jürgen Habermas, Ronald Dworkin, Bruce Ackerman, and Joseph Raz, among others, and can still be pursued substantially further (as is discussed in my book *The Idea of Justice*). Something more than just the words and the phrases of the Constitution must surely be involved in understanding the motivation behind a democratic and participatory constitution that tries to create a legitimate space for different types of people with varying preoccupations and circumstances in a diverse society.

In presenting his own version of originalism, Calabresi flexibly allows for using today's understanding of the words that are already there in the Constitution: "The meaning of these words and their application to present-day problems depends, in the end, on what the American people think they mean acting over a long period of time through our three-branch process of constitutional interpretation." In response to Cass Sunstein's perspicacious comment that the Framers of the American Constitution would not have understood what issues were involved in the desegregation of schools (in *Brown* v. *Board of Education*) or in striking down anti-miscegenation laws (in *Loving* v. *Virginia*), Calabresi argues that "the answer to that is that original meaning textualists have never claimed that Congress understood what it was doing when it passed legal texts. All we have claimed is that those texts are the law and have to be read like laws."

It is useful here to take note of the philosophical understanding, clarified in particular by Wittgenstein, that the meaning of words has to be seen in terms of the "rules" that govern their use. What we have in the form of a constitution is a collection of words, and we can, plausibly enough, treat the words as the "fixed point," but take note of the varying meanings of these words over time, reflected in the varying rules governing their use. Calabresi's version of originalism would allow the use of the ongoing contemporary understanding—reflected in the current rules governing the use—of those words. We may have to understand the same words differently as the linguistic conventions—the rules for the use of words, in the Wittgensteinian sense—actually alter over time.

The primacy of texts, using contemporary interpretation of the words and linguistic conventions, would allow a good deal of the "here and now" within the originalist perspective. It can even create room for invoking, if only implicitly, concerns about what we now call, in the language we use today, human rights. Even though engaging in debates on the understanding of words and language might seem like an unlikely way of getting human rights recognized, this type of linguistic analysis is, of course, entirely in line with what we may nostalgically call philosophy.

The question that remains is whether this is the right way of reflecting the "here and now" in legal judgments. There are at least two problems that must be faced by the word-centered version of originalism. First, it may be unrealistic to think that there would invariably be one unambiguous meaning assigned to a chosen text that can be simply "read off" from the prevailing understanding of the words, particularly (to note Calabresi's specification) "what the American people think they mean." The plurality—and ambiguity–of meaning would clearly be relevant here. We may escape, with luck, Dryden's radical worry that we can "torture one poor word ten thousand ways," but still contemporary usages, which may permit much plasticity of interpretation, need not guarantee a unique reading of the original texts.

This problem deserves a clear recognition, but it is not, I would argue, a fatal objection to the philosophy of relying on the contemporary meaning of the original texts. It may be inescapable that judges will have a considerable role in choosing between alternative meanings that a text can have in conformity with today's use of the chosen words, but that will be a part of the discipline of legal judgment. Clearly, a judge has to exercise judgment in choosing between the different uses of the same words and linguistic expressions that are current today, varying from the frivolous to the profound. Such judgment need not always be easy—and yet such an exercise would be fundamentally different from the unleashing of personal "moral or religious values" of the judges themselves.

But there is another worry, of a rather different kind, that should give us pause. There are clearly two distinct evolutions that are relevant here: the development of particular values and priorities that are compatible with the general foundation of the "constitutional motivation" (of facilitating a democratic, tolerant, and participatory society); and the progression of language and rules for the use of words, applied in particular to the words in the Constitution's text. The two processes will almost certainly be related to each other within a given country and culture, but it would be rather credulous to expect that the two must be, in some clear sense, always congruent, even within a given country. Therefore, if we insist on concentrating exclusively on the evolution of rules of language and words to interpret the Constitution, we are abdicating what is primarily a valuational exercise to a rather different domain of human thought and practice—that of linguistic convention and its changes. In placing ourselves in the hands of the changing understanding of words and texts ("what the American people think they mean"), we are being asked to leave the choice of substantive ideas to the evolution of linguistic rules. The logic of linguistic transformation may well fail to correspond exactly—or even very closely—to the importance of the ideas themselves. The evolution of ideas, especially normative ideas, is quite distinct from the evolution of linguistic conventions and of the rules for interpreting today's meaning of old words.

The main issue here is the way in which the "here and now" is best accommodated—in an idea-centered way or in a word-centered way. We may try to accommodate the present-day world by taking note of the significant changes

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that have occurred since the Founding either by following the evolution of specific ideas compatible with the general constitutional motivation, or by following the linguistic evolution of the words and expressions used in the Constitution. I would argue that the former route, focusing on the constitutional motivation, has a claim to our attention in a way that the latter—the linguistic route—may not be able to capture adequately. The former route is certainly more able to take direct note of the recognition in the Constitution (including its Amendments, particularly the Ninth) that, as Bailyn puts it, "new dangers and new needs will emerge, and that to respond to these dangers and needs, rights must be newly specified to protect the individual's integrity and inherent dignity." It is important to distinguish this route from the much-criticized possibility of the judges being free to use their "own values."

Indeed, in trying to do justice to either of the two approaches, judges interpreting the Constitution would be engaged in an exercise different from that of relying on "their own personal moral and religious beliefs." If one route forces judges to decide between different contemporary understandings of the same words, the other requires them to decide between the forces of different contemporary ideas, in line with the constitutional motivation. In both cases, the judges have an interpretative role rather than one of incorporating their own moral and religious beliefs in the guise of interpretation. But the two cases involve two rather different—though not disconnected—approaches to interpretation.

III.

All this broaches another issue. If public reasoning has a role in legislation as well as in legal interpretation, should it be confined to the debates and experiences within the borders of a country? If we may not confine it temporally, may we confine it spatially? Confining judicial and moral scrutiny to ideas within the borders of each country is an approach to justice against which Adam Smith warned, in 1759, in *The Theory of Moral Sentiments*, as well as in his posthumously published *Lectures on Jurisprudence*. Smith was particularly concerned about avoiding the grip of parochialism in moral and political reasoning in general, and in jurisprudence in particular.

In *The Theory of Moral Sentiments*, Smith gives various examples of how discussions confined within a given society can be unreasonably limited by parochial understanding. Among his many telling illustrations is the famous one of the ancient Greeks who believed—even the civilized Athenians among them—that infanticide was perfectly justified. Smith notes: "Aristotle talks of it as of what the magistrates ought, upon many occasions, to encourage. The humane Plato is of the same opinion, and, with all that love of mankind which seems to animate all his writings, nowhere marks this practice with disapprobation." Smith's claim was that if the ancient Greeks had subjected their assumptions to critical scrutiny, particularly by taking note of arguments coming from elsewhere, possibly including the understanding that societies can survive well enough without infanticide, then their decisions might well have been quite different.

This example occurs in a chapter of Smith's book that he revealingly calls "On the Influence of Custom and Fashion upon the Sentiments of Moral Approbation and Disapprobation." He points to the fact that "the different situations of different ages and countries are apt . . . to give different characters to the generality of those who live in them, and their sentiments concerning the particular degree of each quality, that is either blamable or praise-worthy, vary, according to that degree which is usual in their own country, and in their own times." He argues powerfully for the importance of bringing in arguments that may have originated at "a certain distance from us" but should command attention here and now.

While Smith's example of infanticide remains pertinent in only a few societies today, some of his other concerns have relevance to many contemporary societies. This applies, for example, to his general insistence that "the eyes of the rest of mankind" must be invoked to understand whether "a punishment appears equitable." Scrutiny from a "distance" may be useful for many specific practices common in particular countries—from the prosecution of raped women for adultery (possibly also subjecting them to death by stoning) in several countries in the world to the plentiful use (to consider a very different type of example) of capital punishment in China, Iran, Iraq, and Saudi Arabia, or for that matter in the United States, in contrast with the bulk of the modern world. The United States executes more people than any other country in the world (fifty-two in 2009), with the exception of China, Saudi Arabia, Iran, and Iraq, based on figures for 2008 and 2009. The "Smithian" issue here is not so much to follow blindly the practice of other countries that do not allow capital punishment (like those in Europe and substantial parts of Latin America) or that carry out executions quite rarely (as in India, South Korea, or Russia, none of which has had an execution in more than five years now). Rather, it is the legitimacy of considering, and critically examining, the reasons that are invoked to argue against the acceptability of capital punishment and of executions in those countries.

It should be obvious that if the freedom of interpretation of a country's constitution is confined only to the use of language within the country (as Calabresi puts it, "what the American people think they mean"), then arguments coming from elsewhere would be hard to admit, and Smith's fear of parochialism would remain real. There could be much more freedom—and correspondingly more judicial responsibility—in interpretation if the discipline of interpretation were to extend to values and normative arguments, as opposed to linguistic conventions, that prevail within the borders of a country. There could be even more interpretative freedom—and corresponding judiciary responsibility—if arguments from elsewhere in the contemporary world could also be admitted and considered by the judges.

It is clear that many leading members of the American judiciary, including what looks like the present majority in the Supreme Court, are reluctant to entertain legal arguments that were presented in foreign courts. As Chief Justice John G. Roberts has put it, "No president accountable to the [American] people appointed that [foreign] judge." The focus here is on the provenance—and legitimacy—of the voice, rather than on the nature of the argument presented. What is important in the Smithian reasoning is the broadening impact of arguments invoked by the "impartial spectator," and it is a matter of no intrinsic significance that such arguments may come easily—sometimes *more* easily—"from a distance" and not from nearer to home.

It must be recognized that to listen to distant voices does not require us to be respectful of every argument that comes from abroad. We may reject a great many of the ideas coming to us from elsewhere—sometimes even all of them—and yet there could remain particular cases of reasoning that could make us

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reconsider our own understandings and views, linked with the experiences and conventions entrenched in a given country or culture.

I turn now to a consideration that applies particularly to countries that are intellectually as open as the United States. Given the freedom and the scope of public discussion in such countries, it is very likely that any serious argument aired elsewhere, including well-argued legal judgments in important foreign courts, will have been, in one way or another, discussed also within the borders of the country—within its own open civil society—often with considerable local support. If the limiting consideration is not that the arguments will have been entertained in American judicial decisions, but that the arguments, despite their foreign origin, will have interested and engaged the American public, then the range of admissibility could indeed be correspondingly larger.

In fact, the American public has not been indifferent to reasoning coming powerfully from foreigners—from Gandhi or from Mandela or, for that matter, from Jesus Christ. Such ideas from elsewhere have become part of the national dialogue, and it has not mattered where they had their origin. And if the legitimacy of legal judgment extends not only to prevailing linguistic conventions, but also to the force of values and ideas compatible with the foundational motivation behind the Constitution, then the freedom and the responsibility of judicial interpretation must, to that extent, be extended.

As it happens, the isolationist convictions of powerful members of the American judiciary are in sharp contrast with the views of the judiciary in many other countries. As Lord Bingham—the former master of the rolls, lord chief justice of England and Wales, and senior law lord—has recently discussed in his illuminating and powerfully reasoned book, *Widening Horizons: The Influence of Comparative Law and International Law on Domestic Law*, there are really serious limitations in terms of jurisprudence in seeing the laws of any country "as an island, entire of it self." And as Lord Justice Sedley argues, illustrating and supporting Bingham's conclusion, in his forthcoming book *Ashes and Sparks: Essays on Law and Justice*, the European Convention of Human Rights "has deepened our own [British] jurisprudence and sharpened our judicial standards."

But even if it were to be resolved—bowing to Chief Justice Roberts rather than to Chief Justice Bingham—that foreign judgments should not gain a hearing in American legal arguments, it is hard to see how the relevance of arguments entertained by the American public can be similarly dismissed. There is nothing in the American Constitution, including the Amendments, deliberated in a broad Enlightenment background, that calls for such a dismissal of new arguments that are consistent with the constitutional motivation. Nor is there any rejection of the necessity to consider "new dangers and new needs" in the future, the possibility of which was clearly foreseen by the American constitutionalists.

It turns out, then, that the distinction between interpreting original texts in terms of changing linguistic conventions and understandings applied to the original words of the Constitution, and interpreting them in the light of public reasoning—including contemporary public reasoning—applied to the original constitutional motivation, is enormously significant. The interpretation of laws can greatly vary according to which route we take in examining the contemporary understanding of legal requirements that were formulated in a different time and in a different world. ◆

Drew Gilpin Faust
OUT OF THE MARGINS

CONFEDERATE RECKONING: POWER AND POLITICS IN THE CIVIL WAR SOUTH
By Stephanie McCurry
(Harvard University Press, 449 pp., $35)

We are going to be hearing a great deal about the Civil War. November 6 will mark the 150th anniversary of Lincoln's election; December 20, the secession of South Carolina, the first Southern state to withdraw from the Union; April 12, the firing on Fort Sumter; July 21, the First Battle of Manassas, the first major engagement of the war. States North and South have established sesquicentennial commissions, which are planning a wide range of observances. Virginia, where so much of the military action took place, has launched an effort chaired by the speaker of the House of Delegates. But even Wisconsin, a state distant from the field of battle, seeks to honor and to remember the 91,000 of its citizens who served in the war. It seems hard to believe that a half-century has already passed since we observed the Civil War Centennial, which was a central event of my youth in Virginia. I attended the commemorative re-enactment of the Battle of Antietam with my family, and I remember my brother's efforts to learn to ride well enough to be part of the re-enactments of cavalry battles that had taken place near our Shenandoah Valley home.

But if these fifty years seem fleeting, they have been in fact momentous, for we will in the course of the next four years remember a Civil War very different from the one that we commemorated in the 1960s. Those years were not just a historic anniversary, but also themselves a time of history-making. The summer of the Gettysburg centennial was the summer of Martin Luther King Jr.'s Birmingham campaign, and the voter registration drive in Selma in 1965 took place exactly one hundred years after the engagements around Richmond that culminated in Lee's surrender at Appomattox.

The rapid pace of racial change in the early 1960s created an unsettling conflict within the centennial observances, as segregationists struggled to seize the anniversary as an instrument to defend a way of life under intensifying attack. But the historical record had only begun to reflect the altered assumptions of an era in the process of rejecting doctrines of racial separation and inequality. In 1956, when Kenneth M. Stampp proclaimed, in *The Peculiar Institution: Slavery in the Ante-Bellum South*, his revolutionary study of slavery, that "Negroes *are*, after all, only white men with black skins, nothing more, nothing less," he revealed both the possibilities and the limitations of a changing relationship to America's past. Today we understand ourselves—as citizens and as a nation—very differently than we did fifty years ago, and many of the most critical aspects of that transformation directly reflect issues central to the Civil War.

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The Sesquicentennial will differ from commemorations of fifty years ago in a variety of dimensions. The availability of Civil War podcasts on iTunes to guide the curious traveler through the peach orchard at Gettysburg or the cornfield at Antietam is one arresting example. But a conference in Norfolk, sponsored by the Virginia Sesquicentennial Commission, titled "Race, Slavery, and the Civil War: The Tough Stuff of American History and Memory," marks a change perhaps even more profound. It reminds us that the "tough stuff" that the centennial organizers struggled to avoid a half-century ago cannot be ignored any longer. The polity of Virginia in 2010 includes hundreds of thousands of black voters. Owing to the poll tax and other tools of disfranchisement, they were largely excluded from the electorate and the public discourse fifty years ago. A state commission today has a very different sort of accountability from one that served in a Virginia of segregation and "massive resistance" to racial change.

The conference reminds us, too, of the enormous amount of historical research and writing that has occurred since the 1960s, building on the early efforts of scholars such as Stampp, John Hope Franklin, W. E. B. Du Bois, Winthrop D. Jordan, Herbert Gutman, Eugene D. Genovese, and others to transform our understanding of the past. We will commemorate a very different Civil War between 2011 and 2015 partly because we know so much more—on average, more than a hundred books are published on the war each year—and partly because we look at what we know with changed eyes.

Stephanie McCurry's important book reflects and exemplifies this transformation. Building upon her work over almost two decades, McCurry presents a new history of the South's experience during the war. It is an account that foregrounds social history as contrasted with military history, and in this respect it is of a piece with much of the pathbreaking new scholarship on the war. It moves political history from the study of elected politicians and government institutions to an exploration of power in all its dimensions.

In the context of a war's demands, that power came increasingly to lodge with the people whose contributions and loyalties were essential to victory. But "who are the people?" That is the urgent question asked in the title of McCurry's initial chapter. The requirements of waging war, she demonstrates, would test "not just the unity of the people but the very definition of the people itself." When we ask who mattered in the Confederacy, and thus who should be the objects of our historical inquiry, McCurry leaves us with little doubt about how impoverished earlier approaches have been. Hers is, in one sense, "a story … hidden in plain sight." Perhaps the highest praise one can offer McCurry's work is to say that once we look through her eyes, it will become almost impossible to believe that we ever saw or thought otherwise.

"There would be far more of the people to contend with in the making of history in the Civil War South," McCurry asserts, "than the founders ever bargained on." The total mobilization required by the Confederate war effort empowered Southerners who had previously been excluded not just from the exercise of traditional political power through the franchise, but also from basic rights of freedom and self-determination. The enterprise of the Confederacy, McCurry shows, was profoundly shaped by the need to engage these marginalized individuals in the war effort, and the Confederacy was ultimately "undone" by those who "defied notions about their incapacity and irrelevance to step decisively into the making of history." *Confederate Reckoning* is a book about politics that stretches far beyond the ballot and the statehouse, all the way into plantations and farms and families and communities across the South.

McCurry's first book, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country*, which appeared in 1995, was an acclaimed study of Southern yeomen, the small or non-slaveholding farmers whose loyalties in the pre-war period became so closely aligned with the slaveholding elite that defined regional politics. This was an enfranchised group that often seemed—at least in our eyes—to vote against its evident self-interest. McCurry demonstrates how war brought shifts in power relationships even within this community of white men. She details the manipulations of democratic processes that made secession possible in a population with significant Unionist ties and sentiments. In Georgia, the governor suppressed electoral results and later "cooked the numbers." In South Carolina, in the words of one farmer, elections were structured so that a citizen simply "could not vote for the union." Opposition to disunion in northern Alabama led to a "brawl" in the state secession convention, and Southern nationalists kept the ordinance of secession from ever being submitted for popular ratification. In the Upper South, which remained within the Union well into the spring of 1861, only Lincoln's call for troops broke the political impasse. But as the war came and the demand for troops escalated beyond anyone's expectations, Confederate leaders found themselves increasingly dependent on the willingness to fight of these same ordinary white men, most of whom were not direct participants in the slave institution that the war was waged to defend.

Yet the war's empowerment of the men required to serve as its foot soldiers is not the main focus of McCurry's interest in her new book. Instead, she directs the bulk of her attention to two groups, both excluded from the franchise and even from citizenship. Until recently, they were also all but excluded from historical consideration. McCurry offers, as she puts it, "a political history of the unfranchised." Those two groups are, not surprisingly, women and African Americans.

The Confederate States of America possessed an economy and a population a fraction the size of its Northern opponent. The North had ten times the South's manufacturing capacity and two and a half times its population. In a war of mass armies and total economic mobilization, these deficiencies would require the Southern nation to exert significant and ever-expanding demands upon its populace. It would also, ironically for a country founded to resist centralized federal power, require an almost unimaginable growth in the role of the state—an expansion, as McCurry remarks, that is "hard to exaggerate."

A critical aspect of this shift was the increasing contact between the agents, officials, and policies of the government and the South's white women. As three out of four white men of military age marched off to war, women succeeded them as heads of households. They became responsible for the society and economy of the Confederate home front, as well as for management of the slave institution. And as the Confederacy came to depend more and more on its women, so those women, in the absence of husbands and fathers, turned to the state for the guarantees of protection that they had long regarded as their fundamental right—the price of their acceptance of subordination and dependency.

Treasonous actions by women posed the conundrum of their political status

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directly. If their loyalty mattered, then they clearly enjoyed political salience—and women spies confronted officials with this dilemma from the early days of the war, often using confusion about their status and accountability to significant advantage. As the Confederacy began to face the challenge of draft evaders and deserters, soldiers were charged to pursue not only the resistant men, but also the women who assisted in aiding and hiding their loved ones. Governor Zebulon Vance of North Carolina, a state particularly plagued by desertion, authorized the arrest of "parties of any age or sex," and reports abound of women intimidated, beaten, and even tortured by the Confederate Home Guard. (Anyone who has read or seen *Cold Mountain* is familiar with a chilling contemporary rendition of this historical reality.) "Behind all of these developments," McCurry observes, "lay a wholly new estimation of women's political significance and a new view of women's standing in relation to the state."

Women were not just victims of this redefinition of their power and significance. McCurry makes much of white women's own redefinition of themselves as "soldiers' wives" with special entitlements deriving from the sacrifices that this role entailed. Their resulting claims on the state, McCurry argues, rendered them a "powerful voice for social justice" in the Confederacy. An extraordinary expansion in welfare activities in states across the South followed fast on the heels of women's protests and threats of violence in bread riots in Virginia, North Carolina, Alabama, and Georgia in the spring of 1863. With these demonstrations, women were demanding that governments meet their obligation to provide for soldiers' dependents. As McCurry shows, the protests reflected an unprecedented level of political organization and self-consciousness on the part of their female participants.

Confederate officials certainly took notice. They diverted food supplies from the army to needy families at home, and they established relief policies that, in McCurry's view, deserve to be ranked with the North's wartime pension system as the origins of the modern welfare state. As newly empowered and emboldened political actors, women had "forced a significant revision of public policy." Even though women stopped short of advancing universal claims to equal rights of citizenship, they profoundly altered the constrained Confederate definition of the people who counted in the South's struggle for nationhood.

The war's empowerment of slaves as agents in their own destiny was even more unexpected and more consequential than the war's effects on white women. A fundamental assumption of the pre-war South had been that the master ruled sovereign in his household, and that slaves existed largely beyond the reach of the state. Yet slaves were essential to the war effort, and policies that recognized that reality necessarily drew slaves into the polity. With the overwhelming preponderance of Southern white men entering military service, the burden of labor on the home front and on military fortifications rested on slaves, and so the Confederacy needed to establish reasons for its claim upon their loyalty and service—and also to protect against their flight or subversion, possibilities that Southern pro-slavery ideology initially led Confederates to significantly discount. The "Twenty-Negro Law" of 1862, providing that white men responsible for mastery of at least twenty slaves could be exempted from military service, was an early recognition of the power of slaves to pose domestic dangers, and it provided for a consequent diversion of manpower resources from battlefield priorities. Throughout the war—in resistance, in flight, and in myriad other efforts to claim control over their lives—"the property insisted on acting as persons." In this way slaves re-defined their place within Southern society and consciousness.

McCurry traces a continuum stretching from early contention surrounding the impressment of slaves as laborers to debates late in the war about enlisting slaves as Confederate soldiers in a last-ditch effort to establish Southern independence. Slaves detested the impressment policies that seized them as property, separated them from home and family, and forced them into military labor. Their objections, taken up by masters who feared they would run away rather than comply, became a foundation of opposition to Confederate government requisitions. "Ironic as it might seem", McCurry writes, "slaves' consent emerged as a critical factor in Confederate impressment policy." Slaves threatened to vote with their feet. The Confederacy's need for their labor delivered to slaves a leverage that transformed their place within the South's social and political order.

The desperate situation in which the Confederacy found itself in the winter of 1865 created a place for the slave within its military order as well. Southern generals and politicians hoped that the mobilization of the black population might fill the army's depleted ranks and stave off defeat. But at the same time they recognized that military service could come only with a promise of freedom designed to secure political loyalty. Official enabling legislation provided that "no slave will be accepted as a recruit unless with his own consent," thereby acknowledging a fundamental and revolutionary right of self-determination.

McCurry estimates that out of a total population of twelve million, fewer than two million Southerners were actually consulted about secession. But if it took only one-sixth of the population to create the Confederacy, it would have required all twelve million to secure its survival. Confederate leaders recognized this truth too slowly and too reluctantly. The Confederacy's experiment in nation-making "involved a reckoning with the political will of all the Southern people, including the mass of unfranchised women and slaves, and not just the white male voters originally counted and consulted." For us, the consequence is plain: once history reckons with all those twelve million Southerners, it cannot be the same again. In this way, McCurry has helped to transform our understanding of the Confederacy—and of its impossibility. Distracted by struggles over loyalties at home, the Confederacy could not achieve the unity of action or purpose necessary to defeat its powerful enemy. The commitments to slavery and inequality that rested at the heart of the Confederate experiment proved to be the roots of its failure.

At the outset of her book, McCurry insists that she is not going to ask or answer the timeworn question of why the South lost the Civil War. Yet in her vivid and richly textured portrait of what she calls the Confederacy's "undoing," she has in fact accomplished exactly that. And in doing so McCurry has written also a paean to social justice and to democracy, commitments and aspirations we would be well-served to make the heart of our forthcoming commemorations. ◆

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Jonathan Chait

THE DEATH OF THE FACTS

THE BATTLE: HOW THE FIGHT BETWEEN FREE ENTERPRISE AND BIG GOVERNMENT WILL SHAPE AMERICA'S FUTURE
By Arthur C. Brooks
(Basic Books, 174 pp., $23.95)

If there is one dream of the Obama presidency that died a swift, merciless death with no hope of resuscitation, it was the hope that President Obama would usher in a new era of bipartisan technocracy. As the president explained over and over, he believed he was not imposing an ideological agenda but simply responding to problems. "I'm not interested in another old debate about big government versus small government," he would say. "I care about whether government is meeting its responsibilities to the people it represents."

The problems that Obama proposed to address—economic collapse, global warming, the costliest and cruelest health care system in the advanced world—could hardly be called mere excuses to impose liberal ideology. They were undeniably, empirically, crises. To be sure, conservatives and liberals had different means of attacking these problems; but there seemed to be every reason to believe that the ideological gulf could be bridged. George W. Bush had initiated bailouts of the finance and auto industries in 2008, and he had employed Keynesian fiscal stimulus in 2001, when the case for doing so was nowhere near as strong. Obama's health care plan relied upon private insurance and resembled the plan that Republicans had formulated in 1993. His cap-and-trade program closely resembled a proposal by John McCain. The new president genuinely seemed to believe that he and the opposition could look upon the same set of facts, consult with the economic experts, and reason together toward agreeable solutions.

We now know that each of Obama's proposals was met by overwhelming and often hysterical opposition. In his new book, Arthur C. Brooks, the president of the American Enterprise Institute, both advocates for and offers anthropological evidence of the right's embrace of totalistic rejection. *The Battle* is the most celebrated conservative book of the year, and probably the most feverishly promoted, Brooks having spun it off into at least half a dozen op-ed pieces, numerous lectures, some dozen interviews, and gobs of praise in the conservative press from the likes of Paul Ryan, David Brooks, and many others.

The premise of *The Battle* is that America is fighting a "culture war," but this culture war is not over social issues—it is over economic ones. A culture war, of course, is a zero-sum fight between two antithetical values in which compromise is impossible. That is how Brooks portrays the conflict between statism and free enterprise that has been unleashed by Obama's radical attack on American values. "These competing visions," warns Brooks, "are not reconcilable: We must choose."

It is a curious premise. After all, economics is very different from social issues precisely because it is rife with positive-sum outcomes (i.e., prosperity) and because it pertains to technical questions amenable to data and difference-splitting. What's more, Democrats do not advocate communism and Republicans do not advocate anarchy. Both parties favor some mix of market and state. Even Paul Ryan, whose purist small-government vision has enthralled the conservative movement (and who forms a mutual admiration society with Brooks), advocates a federal government that consumes 19 percent of the economy. Democrats advocate a government that consumes, in the long run, around one-quarter of the economy. Is it really not possible to imagine a compromise between these two visions?

It depends. If you conceive of Obama's domestic agenda as Obama does, as an attempt to solve technical challenges such as rising carbon-dioxide emissions or a health care system that delivers mediocre outcomes at exorbitant cost, then the frenzied and unremitting Republican opposition is an expression of blind fanaticism and partisan calculation. But if you view the situation as a culture war, as Brooks does, then unremitting opposition is the only permissible response.

Indeed, Brooks sounds certain that Obama and the liberals likewise see themselves as engaged in a culture war. Rush Limbaugh has asserted, as have other conservatives, that Obama's economic stimulus program is not even intended to address the economic crisis at all, because economic panic benefits Obama. Brooks does not go quite this far, but his argument is at the very least consistent with Limbaugh's. The only motive that he imputes to the president and the Democrats is hatred for rich people and the free enterprise system. Did Obama appoint top economists to his administration? Well, yes, concedes Brooks—but "he had to if he wanted the public to believe … government understands the financial crisis and can solve it with aggressive action." That is, not because Obama thinks that top economists can help him develop more effective policies. And when he describes the Democrats' response to the economic crisis, it is not as an application of misguided Keynesian policies, but as a plot to increase their own control. "Obama's objective has been to tell a story about the financial crisis that leverages it into a game-changer for American culture," he declares. Brooks does not entertain the possibility that Obama blames deregulation for the financial crisis because he actually believes that deregulation caused the crisis.

There is obviously no reason to compromise with Obama to solve a problem if you think that the problem is merely a pretext for him to seize power. In his belief that American economic policy is a binary choice between two indivisible philosophies, and his immunity to appeals to break down issue disagreements into specific empirical problems, Brooks perfectly captures the Republican spirit of the moment.

The Battle is organized as an answer to a mystery. Approximately 70 percent of the public thinks that "generally" people are better off in a free-market economy with ups and downs. An even higher percentage has a positive image of free enterprise and entrepreneurs. "This is a puzzle," concludes Brooks. "If free enterprise is so dominant in America, how did someone with so little regard for free enterprise get elected president of the United States in 2008?" But this is not a puzzle at all. Obama almost certainly believes that a free enterprise system is generally superior, and that entrepreneurs are wonderful. Obama has called himself an "ardent believer" in free enterprise, and he follows in a long tradition of Democrats who believe that the free enterprise system functions best with regulation of its excesses.

Brooks assumes that Obama's policies abrogate all vestiges of the free enterprise system. But he is operating with a purist definition of free enterprise, and it is

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clearly not a definition shared by Obama or by those who voted for him. Nor do the poll questions that he cites define "free enterprise" as incompatible with universal health care, progressive taxation, regulation of Wall Street, and so on. It is simply bizarre to read a book whose central question rests on such an obviously flawed premise. At no point does Brooks consider the possibility that Obama is not a to-the-death opponent of capitalism. Instead he charges ahead with the premise that Obama heads a "30 percent coalition"—that is, the dissenters from the 70 percent who believe in capitalism and entrepreneurship—that has somehow seized control of American politics despite its hatred for a free economy and entrepreneurship.

Brooks does attempt to show that Obama hates capitalism, but his proof is rather unpersuasive. "Here's what you need to know about President Obama's views about the free enterprise system," he writes, before unveiling the smoking gun, the killer piece of data demonstrating the president's disdain for free enterprise. It consists of a single passage in a commencement address that Obama delivered at Arizona State University in May 2009. Here is the passage that Brooks cites:

> You're taught to chase after the usual brass rings, being on this 'who's who' list or that top 100 list, how much money you make and how big your corner office is; whether you have a fancy enough title or a nice enough car.... Let me suggest that such an approach won't get you where you want to go. It displays a poverty of ambition.

That small bit of advice in one speech—a banal observation that money and fame are not everything—is the entirety of Brooks's proof!

Does Brooks believe that money and fame *are* everything? Brooks certainly does not cite the numerous times Obama has praised the free enterprise system or the importance of entrepreneurship. Nor, for obvious reasons, does he mention that Obama's speech at Arizona State was not an attack on the idea of getting rich, but rather an attack on following conventional and short-term measures of success. Indeed, in that very speech Obama extolled "two guys in a garage named Hewlett and Packard" as visionary entrepreneurs setting the standard for the kind of fresh thinking he was urging upon his young audience. In short, "what you need to know about President Obama's views about the free enterprise system" tells you exactly nothing about his views about the free enterprise system.

Proceeding from this exceedingly flimsy reed, Brooks sketches out the apocalyptic "battle" between the diametrical points of view. When he says at the outset that there is no middle ground, he means it. Either you utterly abhor even the mildly redistributive character of the United States tax code, as he does, or you abhor capitalism itself.

The liberal platform, in Brooks's description, strives not for slightly less income inequality, but for "income equality." The "30 percent coalition" desires a "world in which we all end up in roughly the same place." Brooks perceives no meaningful distinction between liberalism and Marxism. Here is his description of Bill Clinton's economic worldview: "Private markets are *never* just. They are *always* a ruse for hurting the vulnerable and helping the powerful—and government *always* needs to fix the problem." The italics are mine. The wild exaggerations are his.

In one passage, Brooks categorizes the Democrats as advocates of leveling down the rich: "For Obama and his colleagues, bringing the top down is as good as bringing the bottom up, because greater equality is the goal, and it doesn't matter all that much how you get there. One influential left-wing economist explains it like this..." Who is this influential left-wing economist? Biden adviser Jared Bernstein? Larry Summers, perhaps? The footnotes reveal him to be a British economist named Richard Layard. He may not be a totally obscure figure, but the notion that his work can be cited as indicative of the philosophy of the Obama administration is, to put it mildly, far-fetched.

Brooks cites one other example of Democrats' alleged hatred for the rich:

> For the sake of their notion of fairness, leaders of the 30 percent coalition are almost as happy to bring the top down as they are to push the bottom up. Occasionally, some of them will admit it. Political philosopher Michael Walzer advocates "market constitutionalism," which would, like constitutional democracy, "set similar limits on the economic power of the wealthiest men and women." He advocates this simply because he is offended—and believes we should be, too—by the idea of people having too much money.

Now, Michael Walzer may be a brilliant and esteemed philosopher, but even if he were inclined to boast, he would not call himself a "leader" of the Democratic coalition. And the essay referred to by Brooks says nothing of the sort. Walzer argues that limiting the rewards of economic success reduces the incentive to flout economic rules, just as limiting the power of elected officials reduces the incentive to steal elections. Nowhere does Walzer state, hint, or imply that he is offended by the idea of people having too much money. This is a total fabrication.

In his general approach, Brooks is a prototypical member of the modern Republican elite. His ideology is rooted centrally in the class war, a struggle between what he calls "the makers" and "the takers." He inhabits an imaginary world in which the former are being hounded nearly to extinction by the latter. "At some point," he sorrowfully predicts, "the rich (as defined by the 30 percent) will pay *all* the income taxes in America. For the 30 percent coalition, this is fair and just."

Brooks's portrait of a world in which the rich are ruthlessly exploited in the name of absolute equality is long on hysterical rhetoric and very short on data. What little data Brooks presents is almost invariably wrong. "In America," he declares, "the top 5 percent of earners bring in 37 percent of the income but pay 60 percent of the taxes." This is false. The top 5 percent of income earners pay 38.5 percent of all taxes. And a system where the richest 5 percent earn 37 percent of the income and pay 38.5 percent of the taxes is not, I would submit, a draconian left-wing imposition.

Where does Brooks get this wildly wrong figure? The number he cites describes the share of federal income taxes paid for by the richest 5 percent. But the American tax system is a mix of regressive and progressive taxes. State and local taxes, as well as federal payroll taxes, tend to levy higher rates on the poor and middle class than on the rich. The income tax, which is steeply progressive, helps to tilt the balance of the burden back in the other direction. When conservatives portray the tax code as unfair to the rich, they usually cite just the income-tax burden, calculating that their audience will fail to notice that "income taxes" do not mean taxes as a whole. Brooks uses the term "taxes" when he means "income taxes." He has fallen for his own ruse.

Brooks further claims that the oppression of the rich is getting worse. "From 1986 to 2006," he complains, "the proportion of taxes that the top 1 percent of income earners paid grew from 26 percent to 40 percent." A footnote points to a table compiled by the Tax Policy Center.

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I do not doubt the accuracy of the figure. But why are the very rich paying a higher share of the tax burden?

If you consult two other lines in the same Tax Policy Center table, you can see that the conclusion is the opposite of the one that Brooks draws. From 1986 to 2006, the highest-earning 1 percent of taxpayers went from collecting 11 percent of national income to collecting 22 percent of national income. Meanwhile, their average tax rate dropped from 33 percent to 23 percent. So: their tax rate fell sharply, but their share of income rose even more sharply, and the net result is that they have paid a higher share of the tax burden. This is Brooks's evidence that the system has gotten too redistributive!

In opposition to the punitive leveling agenda of the 30 percent coalition, Brooks puts forward what he calls the "moral case" for free enterprise. This case rests upon "equality of opportunity." Brooks is unequivocal about the centrality of equality of opportunity to his argument. "As long as everyone has the same opportunities," he argues, "the free enterprise movement should have no qualms about trumpeting our values as deeply American and profoundly fair."

Equality of opportunity is an extremely radical, even utopian proposition. *The Battle* betrays no signs whatsoever of having considered what equality of opportunity would mean. It is, alas, a nearly impossible ideal to fulfill, since one of the most valued ways for parents to spend their wealth is to impart greater opportunity to their children. Affluent parents can pass on money or assets to their children. They can finance private education; subsidize internships, travel, or other valuable opportunities; raise their children in safe communities that help impart middle-class values; or simply offer them stable two-parent families. All these things create massive inequality of opportunity.

Just how hard is it to go from poor to rich in the United States? A person born into the poorest fifth of the income distribution who manages to obtain a college degree is less likely to wind up in the top fifth of the income distribution than a person who was born into the top fifth but did not obtain a college degree. That is to say, even after the financial and social deck has been stacked so as to impede the poor child's educational opportunities and ease the affluent child's educational opportunities, the overcoming of those odds is still not enough to erase the advantage of a favorable starting position in life.

Creating actual equality of opportunity—that is, a world in which a child of extremely poor parents is just as likely to succeed as an equally talented child of rich parents—is probably an unrealizable goal. Even creating substantially more equality of opportunity would require, at a minimum, confiscatory inheritance taxes and dramatically more egalitarian educational policies. Of course, Brooks does not advocate anything like such a radical program, which only a handful of left-wing utopians would favor. His advocacy of "equality of opportunity" is limited to assuming that such a thing exists already (but is under attack), as a justification for unchecked income inequality.

Brooks does not attempt to demonstrate that the United States offers equality of opportunity, or any faint approximation thereof. The closest he comes to doing so is his airy assertion, in the midst of a peppy section extolling equality of opportunity, that "Americans are the most egalitarian people in the world." If this is meant to describe the ability of a poor person to get rich, the statement is flatly untrue: intergenerational mobility is lower in the United States than in any other advanced nation save Great Britain. If this is not meant to describe any specific possibility of going from poor to rich or vice versa, then it is mere puffery, and Brooks has not even bothered with any serious assertion that equality of opportunity exists. Remember, Brooks argues that extreme income inequality is morally justifiable *only if* equality of opportunity exists. But given that opportunity in the United States is far from equal, and that there is no realistic plan to make it anything remotely close to equal, this leaves Brooks's moral argument against redistribution in shambles.

The central question of *The Battle* is how the "30 percent coalition," despite its anti-capitalistic, anti-entrepreneurial views, managed to gain control of a democratic political system. The feverish, incoherent explanation that Brooks offers is a nice illustration of the extent to which Republicans view Obama's presidency not merely as wrong, but as essentially illegitimate.

Brooks defines the 30 percent coalition as academics, the media, Hollywood, minorities, young people, and a few "predictable geographic enclaves such as San Francisco, California," along with Seattle, Boulder, and the like. (If you have ever visited those places, you know how deeply entrepreneurship is despised. Just try attending a party there and admitting that you've started, oh, a software business. They will spit in your face.) Versions of this vaguely conspiratorial theory, which portray the Democratic coalition as a minoritarian and fundamentally alien and cunning alliance, have been circulating for years. Brooks updates the theory to explain the astonishing fact that those whom Republicans saw as a permanent minority won a majority. Having suggested his "puzzle" of how an opponent of free enterprise could have won the presidency of a staunchly pro-free enterprise country and ignored the obvious explanation—that Obama does not disdain free enterprise—Brooks settles upon a different one. "The real answer," he concludes, "is the economic crisis of 2008–2009."

As

A squeak of light. Ocean air looking
to come inland, to test its influence on
the salty farms waking.
Mist lifts.
The distance reappears; in an hour or so

someone will say *crystal clear* even though
there is no truth in it since even now
the ground is clouding ions and atoms.

The sun is up; day begins. Someone else says
dry as dust but this is outside Dublin
in summer and last night's storm left
clay and water mixed together.

The afternoon is long and warm. The air
is sweet; the branch of one tree
angles to its own heavy fruit. Everywhere,
it is continuing: language crossing
the impossible with the proverbial—

until no one any longer wants a world where
as is not preferred to its absence.
Nor a fiddle fit, nor a whistle clean,
nor rain right again.

I am walking home. It is evening time.
A quarter moon rises in the whitebeams.
At the next turn houses appear one by one,
mine among them.
I walk past leaves,
grass, one bicycle. I put my key in the lock.
In a little while I will say *safe as*.

EAVAN BOLAND

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The 30 percent coalition won power, Brooks argues, by seizing upon the economic crisis in 2008. Like many conservatives, Brooks believes Obama could not have won the election if not for the collapse of Lehman Brothers. The argument goes like this: in early September 2008, John McCain had the lead in the polls. After the financial crisis Obama took the lead, and never lost it. Ergo, Obama won as a circumstantial fluke result of a once-in-a-generation disaster.

The argument, while offering comfort to conservatives unable to understand how the country they loved could elect such an alien figure, ignores reams of confounding facts. Obama led in the polls almost the entire campaign, a predictable result given the unpopularity of the incumbent party and terrible wage growth of the previous year. McCain briefly seized the lead in early September because that was the aftermath of the Republican convention, which almost always creates a temporary polling bounce. Numerous other events—a series of disastrous interviews by Sarah Palin, three presidential debates which the public overwhelmingly believed Obama won, and the simple passage of time—helped to ensure that McCain's bounce disappeared.

In Brooks's narrative, though, Obama and his 30 percent coalition have managed to gain control of the government because the economic crisis temporarily confused the capitalism-loving public. Then they managed to enact their agenda through a campaign of intimidation. "When Republican Congressional leaders objected to the scale of the spending, the new president sought to silence them with two words of fact: 'I won,'" Brooks recounts. "Across the country, those who complained or urged restraint were marginalized."

Silenced? Marginalized? There is a distinctly Chomskyite ring here, an imputation that we have a public debate that is free in name only. But Chomsky's opinions are mercifully confined to a few cult books, alternative broadcasts, and tiny-circulation magazines, so that his radical critique of American democracy, his self-pity, is at least psychologically understandable, if not philosophically or politically persuasive. Brooks's worldview, by contrast, blares twenty-four hours a day on Fox News, talk radio, and countless other organs of mass communication. Chomsky may misunderstand the cause of his ideological marginalization, but he is not imagining the fact of his marginalization. Brooks and his positions, by contrast, are everywhere to be found. His claim that they have been silenced is comic.

The notion that Obama has shaken the very foundations of the American system quickly runs up against the fact that most elements of his allegedly radical left-wing agenda—establishing a health care entitlement, bailing out the automobile and financial industries—were first undertaken, with only modest complaining on the right, by none other than the Bush administration. Conservatives are happy enough to denounce Bush as well, of course—all the better to show that true conservatism did not fail, because it was never tried.

Brooks takes this line as well. "The sad truth is that the 30 percent coalition did not start governing this country with the advent of Barack Obama, Nancy Pelosi, and Harry Reid," he laments. "They've been in charge for years." So wait. Now this small minority has been governing the country not just as a result of a "temporary panic," but for years? And a collection of hippies, minorities, and liberal professors was somehow pulling the strings of the Bush administration?

If this explanation appears muddled and unsatisfying to you, you are not alone. The most inadvertently damning indictment of Brooks's argument was made by Newt Gingrich, a senior fellow at AEI. Writing generously of his boss, Gingrich gently notes that "he sets the stage for someone (maybe another AEI scholar) to develop the historical explanation of how this usurpation of the people by the elite came to be." But of course that explanation is supposed to be the central argument of Brooks's book. And more puzzlingly, this damning passage appears in Gingrich's foreword to *The Battle*. It is very odd to see a book purporting to explain why an event happened that includes a foreword expressing the desire that some other author step forward to explain why the event happened.

One other oddly subversive detail stands out. Brooks cites a study showing that "only 8 percent of economists can be considered supporters of free-market principles; less than 3 percent of them, strong supporters." This fact strikes me as a devastating indictment of Brooks's worldview. He has it backwards here. Economics may not be a purely technical subject, like engineering, but it is a highly technical field, and the overwhelming rejection of Brooks's simplistic market model by economists suggests to me that perhaps his model is flawed. All that Brooks takes away from this statistic is evidence of academia's liberal bias. If economists reject his economic principles, all the less reason to trust economists.

Brooks is not exactly hostile to economists—he employs several of them at his think tank—but his central belief, on display throughout his book, is that ideology trumps all. In a recent op-ed piece in *The Wall Street Journal,* co-written with Paul Ryan, Brooks defends his method of interpreting all public policy questions as a binary culture war between freedom and socialism. It is true, he concedes, that some government programs may sound sensible and attract public support:

> Individually, these things might sound fine. Multiply them and add them all up, though, and you have a system that most Americans manifestly oppose—one that creates a crushing burden of debt and teaches our children and grandchildren that government is the solution to all our problems.

Which is to say, it does not matter to Brooks if an individual program makes apparent sense. More government is simply more government. The "road to serfdom," write Brooks and Ryan, "starts with smooth-talking politicians offering seemingly innocuous compromises, and an opportunistic leadership that chooses not to stand up for America's enduring principles of freedom and entrepreneurship." No compromise is enough of a compromise, and no innocuous program is truly innocuous.

And this, of course, is why Obama's notion of technocratic compromise has failed to find a willing partner. No amount of evidence or technocratic brainpower can convince Brooks that a particular problem requires some new government intervention. Oh, sure, he might grudgingly accept already-existing government programs, which after decades of existence can no longer be portrayed as socialist plots. But no new endeavor of this sort can be tolerated. The only response is to throw your body against the gears of the machine and bring it to a halt. Never mind what comes crashing down as a result of your simpleminded heroism.

It would not be a surprise to find such a frankly anti-empirical attitude expressed by an angry demonstrator. But Arthur Brooks is the president of a think tank—in fact, the most intellectually prestigious think tank associated with the conservative movement. What we have here, then, is the emergence of the anti-empiricist think tank president. And this is a notable signpost, not on the road to serfdom, but on the road to idiocy. ◆

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David Rieff

ABUSED BY HOPE

FAMINE AND FOREIGNERS: ETHIOPIA SINCE LIVE AID
By Peter Gill
(Oxford University Press, 280 pp., $27.95)

In the fall of 1994, James P. Grant, the executive director of UNICEF, sent a message in the name of his agency to the upcoming Cairo conference on population and development, in which he declared that the world had within its grasp the means to solve "the problems of poverty, population, and environmental degradation that feed off of one another in a downward spiral [bringing] instability and strife in its wake." Grant was a great man, a giant of the development world. He was among the first senior figures within the U.N. system, not to mention national governments in either the poor world or the countries of the Organization for Economic Cooperation and Development (OECD), to take on board the fundamental insight that development is inextricably bound up with the emancipation, education, and empowerment of women.

Throughout his long career, Grant was as unyieldingly optimistic about human possibility as he was clear-eyed about the extent of human suffering among the bottom half of the world's population. He would have disliked Gramsci's celebrated injunction, "pessimism of the intellect, optimism of the will"—he stood for realism of the intellect, optimism of the will. And the fact that his optimistic scenario for what could be achieved has not come to pass does not necessarily mean that Grant was wrong to say—as, were he alive today, he almost certainly would say—that there was every reason to believe that it could do so. "The fault, dear Brutus, is not in our stars," and all that.

There are fundamentally two views of development aid, and they are incompatible. The first is Grant's, which is essentially that, after many false starts, we now know how to do development, and that what is lacking is political commitment and money from the donor side, and political commitment and fiscal responsibility on the part of the governments and the elites of the recipient countries. The opposing view is that, no matter our good intentions, and the literally tens of thousands of people in development ministries, relief groups, international and local development NGOs, and popular movements, we still do not know what we are doing. Those who favor an emphasis on entrepreneurial assistance rather than aid-based development solutions, the subtlest of whom by far is William Easterly, who runs the Development Research Institute at New York University, argue not only that much aid is wasted—about this optimists and skeptics largely agree—but that, after five decades, outside aid, whether given by governments or by the increasingly important philanthropic sector, above all the Bill & Melinda Gates Foundation, has done little to alleviate the condition of the world's poor. What is needed is private enterprise, and the more the better. As Easterly has put it, "the parts of the world that are still poor are suffering from too little capitalism."

The critique from the left has important points of overlap with Easterly's view. Colin Leys's classic work *The Rise and Fall of Development Theory*, which was published in 1996, two years after James Grant had made his sweeping claims for the effectiveness of development aid, argued that the theoretical assumptions that have underpinned development policies since the 1950s no longer hold true, if indeed they ever did. The deregulation of international trade and the free movement of capital—that is, the move away from the post–World War II regime of regulation in which economic interventions by the state could be effective, which is the signature result of globalization—means that development aid on the traditional model has had fewer and fewer positive effects. As the longtime editor of the *Socialist Register*, Leys would probably not endorse this view, but a strong case can be made that just as it had been a mistake for supporters of communism who nonetheless opposed the Soviet Union, China, and Cuba to keep saying that not one of these actual communist regimes had lived up to the doctrine's emancipatory potential, so it is time to admit that there is only "actually existing" development, and that it has not worked.

These debates have their arcane side, but for what Paul Collier has called "the bottom billion," they are in fact matters of life and death. To really understand this, one needs to get down to cases. This is what makes Peter Gill's book so valuable. Gill knows Ethiopia extremely well. He was among the first foreign journalists to cover the famine of 1984–1985, first in *Bitter Harvest*, a film he did for Thames Television while the famine was going on, and then in *A Year in the Death of Africa: Policy, Bureaucracy, and the Famine*, his subsequent book on the catastrophe that was far better than its dreadful title might suggest. As Gill writes, the famine of 1984 was "supposed to be the final turning point," but of course it was nothing of the sort. He rightly observes that for all the bluff talk of "eliminating world poverty," (the utopian phrase was Tony Blair's), "the hunger persists, people still die of starvation, and no country in the world confronts the threat of famine more painfully and more frequently than Ethiopia."

The irony is that in contrast to, say, Niger and other Sahelian countries, where hunger is endemic, or North Korea, where the regime of Kim Jong Il has at the very least (accurate information is almost impossible to come by) brought the country repeatedly to the brink of famine, Ethiopia since the famine of 1984–1985 has become quite literally the poster child for global hunger. In large measure, this was because of Band Aid and Live Aid, the globally broadcast concerts that the Irish pop singer Bob Geldof organized as the centerpiece of his massive fundraising effort in 1985 for Ethiopian famine relief.

If anything, Gill remarks, "our expectations and promises have become grander" since Geldof recorded his charity single about starving children, "Do They Know It's Christmas?" with its chorus of "Feed the world/Let them know it's Christmastime again," and when, in the acerbic formulation of the Zambian-born neoliberal economist Dambisa Moyo, one of the fiercest recent critics of the aid system, "Africa became the focus of orchestrated worldwide pity." When New Labour came to power in Britain, Blair declared that one of its goals was "eliminating world poverty." Bono, generally more sensible than Geldof (who does not seem to be able to imagine how any

ANTHONY RUSSO

David Rieff's upcoming book on chronic malnutrition and the global food crisis will be published by Simon & Schuster in 2011.

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decent person could question either his motives or the effect of his initiatives), has popularized Jeffrey Sachs's wildly over-optimistic view that poverty can be ended in our time—a theme taken up on the twenty-fifth anniversary of the Ethiopian famine by the charity Christian Aid, with its "Poverty Over" publicity campaign.

Gill looks in some depth at what the real effects have been on the ground in Ethiopia, over the past twenty-five years, of all these well-meaning and not so well-meaning foreigners. All the usual suspects make their appearances—Western donor governments, the World Bank and the International Monetary Fund (IMF), the relief and development arms of the United Nations system, notably UNICEF, and the mainline international relief organizations like Save the Children and Doctors Without Borders (MSF, in its French acronym). Much of this is historical. The famine in Ethiopia in 1984 was a milestone in the history of modern humanitarianism because, as Rony Brauman, who was president of MSF/France at the time and was a central figure in the controversy, later put it, the crisis was crucial in that it compelled MSF to reconsider some of its most basic ideas, and to face the cruel fact that "aid could be turned against those toward whom it was directed and those delivering the aid integrated into a system of oppression." Obviously, serious people in the aid world had always known that relief could have perverse consequences as well as positive ones. But until Ethiopia, Brauman pointed out, there were very few in NGO circles who could accept that "we had become part of the problem, not just part of the solution."

Haile Selassie, the emperor of Ethiopia, was overthrown in 1974, and his downfall was caused to a considerable extent by his regime's failure to confront the famine that year. A decade later, famine swept the north of Ethiopia once again. For most of 1983, it went on without much of the rest of the world paying it any noticeable heed. It was this famine that galvanized Geldof, Bono, and the Live Aid movement. A part of the reason for this was that the Derg, the Stalinist regime then in power in Addis Ababa, forbade almost all coverage of what was going on. This is not to say there was no coverage at all—Gill, who unlike most of the foreign journalists covering the famine at the time is actually an Ethiopia expert, points out with understandable exasperation that in July 1984, ITV ran a documentary called *Seeds of Despair*, and an appeal launched in its aftermath raised 10 million pounds for Ethiopian famine relief; but it was only in October 1984, when a BBC TV team led by Michael Buerk and Mohamed Amin were allowed to film what was going on, that Ethiopia became the focus of widespread public attention in the rich world.

The result was that before very long, the Ethiopian catastrophe had gone from being one of the world's most forgotten crises to perhaps its best known. Geldof's single, "Do They Know It's Christmas?", the first blast of what would become the Band Aid/Live Aid juggernaut, came out that November and raised five million pounds, though, as Gill comments acidly, Ethiopians "did of course know it was Christmas because the starving were mostly Christian."

Neither Geldof nor Bono has ever been willing to accept that, however well-intended, the premise of Live Aid was flawed from the start. Amid criticism of the ways in which the monies from Live Aid were being used by international relief agencies to fund programs connected with resettlement, Geldof told *The Irish Times* that "the organizations that are participating in the resettlement effort should not be criticized. . . . In my opinion, we've got to give aid without worrying about population transfers." The way in which both men have capitalized on their new status as global consciences to rescue their pop music careers has been grotesque, but their sincerity is beyond doubt. Yet their competence to hold the opinions that they peddle is another matter. What is so great about sincerity if it leads not to understanding but to mystification? And what transpired in Ethiopia between 1983 and 1986 has been abundantly mystified.

We know with some certainty that famines have occurred everywhere in the world, with regularity, since the beginning of recorded history. But as the great contemporary authorities on famine—among them Amartya Sen, Cormac Ó Gráda, and Alex de Waal—have shown, modern famines are almost invariably political in the larger sense of the term. Another way of putting this is to say that whereas before the nineteenth century most famines were largely the result of climate—flooding or drought, most commonly—today they are largely the result of anti-democratic or at least non-democratic practices by the authorities and the dominant elites in the countries where they take place. History will remember Amartya Sen when Malthus is long forgotten, or thought of no more seriously than we think of nineteenth-century phrenologists. What Sen showed in his work on the West Bengal famine of 1943 was that the problem was not absolute food supply but the access to that food supply by disfavored groups. In other words, what appeared like a food crisis was really, to use Sen's term, an entitlements crisis.

Sen's insight is borne out by the history of famine in the twentieth century. The great famines have taken place under colonial regimes (as in British India in 1943), or under regimes where the government was ruled by groups unsympathetic to other groups in the famine zone (the famines and near-famines in Tuareg areas of Mali are good illustrations of this), or, most commonly of all, as the result of vast misguided efforts at social engineering undertaken by socialist regimes, notably in Soviet Russia under Lenin and Stalin, and, in the worst modern famine of all, in Mao's China during the so-called Great Leap Forward. The Ethiopian famine of 1983–1984 was an example of this most terrible variety of man-made famine. The definitive account of it is to be found in *Evil Days: Thirty Years of War and Famine in Ethiopia*, the report that Alex de Waal prepared for the Africa Watch division of Human Rights Watch in 1991. De Waal was unequivocal. "The famine killed in excess of 400,000 people," he wrote. "The human rights abuses made it come earlier, strike harder, and reach further. Most of these deaths can be attributed, not to the weather, but to the government's gross violations of human rights."

And yet Michael Buerk's first BBC report from the famine zone opened with the words, "Dawn, and as the sun breaks through the piercing chill of night on the plains outside Korem, it lights up a biblical famine, now, in the twentieth century." Apart from the facts that it was dawn and there was a famine, nothing in what Buerk said was right. It was precisely *not* a biblical famine, in the locusts/great flood/visitation-from-God sense that Buerk was evoking. It was, rather, a man-made famine—the direct and in all likelihood inevitable result of deliberate policies in Addis Ababa by the Stalinist government of Mengistu Haile Mariam. That is to say, it was a famine that was more likely to occur in the twentieth century—the heyday of man-made famines—than at any other time in human history.

Gill, for reasons that elude me (he knows de Waal's work well enough to

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cite it, and is as far removed from being an apologist for the Mengistu regime as it is possible to be, speaking of Mengistu's "Red Terror"), argues that Buerk's report was "a model of evocative precision." He could not be more in error. Buerk has as much as conceded the point, admitting later that while he had of course known of the Ethiopian government's role in the famine at the time, he had chosen to present the famine to his audience in the tried and true vernacular of the classic "natural" disaster so as not to complicate the situation too much for his viewers—a decision that Rony Brauman has rightly compared to Sartre's famous admission that he had known about the Gulag all along but had not wanted to admit it publicly so as not to make the French working class give up hope (*"pour ne pas désespérer Billancourt"*).

Gill is on firmer ground in his account of the Ethiopian government's policy of forced population transfer of people from the famine zone of the country's northern highlands to lowland areas in the south. He is in no doubt that the Derg used this policy as part of its war against the forces of the Tigrayan secessionists in the north—and not as part of famine alleviation, as the government and some of its apologists among U.N. and foreign NGO officials, and the representatives in Addis Ababa of important donor governments, claimed at the time, at least publicly. As Gill notes, the Mengistu regime was quite frank in admitting that "food is a major element in our strategy against the secessionists." That strategy was not just brutal, it was immensely sanguinary. De Waal concluded that "resettlement certainly killed people at a faster rate than the famine." Credible estimates of the deaths range from fifty thousand (de Waal) to a hundred thousand (MSF).

As the full implications of this became clear to at least some people in the relief world, above all to MSF/France, a bitter fight erupted over whether or not the international NGOs should participate in the resettlement effort. For most of the agencies, notably Oxfam International and the Irish relief organization Concern Worldwide, it was imperative that the NGOs stay and do what they could, regardless of the political context—that, indeed, the duty of relief agencies was to stay, thus at least trying to bring a measure of humanity into situations that they were powerless to alter. This fight spread to the donor governments, with Washington taking the hardest line against resettlement (but not hard enough). Here Gill rather misstates MSF's argument. As Brauman has pointed out, the reason the public silence of mainline agencies such as Oxfam and Concern was so grave is that "neither the Reagan administration nor the European Commission would ever have agreed to underwrite forcible population transfers. . . . The Derg could never have resisted a critique coming from [all] the NGOs . . . [and had they been forthcoming] the transfers might have been halted." Instead MSF was expelled, and the remaining NGOs, while remonstrating privately with the Derg, did not suspend their assistance with the program.

Gill's for the most part studiously neutral, he-said-she-said approach to the controversy (there are occasional hints of British-style condescension to the French relief agencies) is quite useful—particularly for readers who are not familiar with the period. Gill pursues this somewhat tentative approach throughout his book, and while this can be frustrating at times—probably more frustrating the more you know about the subject—on balance he was right to do so. For one thing, there surely was a question of access. Gill makes the point in his introduction—many observers pay lip service to this point but rarely seem as informed by it as they should be—that "poor countries will emerge from poverty only when they take full charge of their own destiny." His book is not just a look back at the great controversies of the famine years of the mid-1980s, but also an attempt to understand whether, as he puts it, "beyond the challenges of famine forecasting and hunger relief, are there [now] Ethiopian political institutions and policies in place to deliver the transformation known as 'development'?"

Let's be grown up about this. Ethiopia is a tyranny. It was a dictatorship under Haile Selassie, and then under the Derg, and it remains one under the regime of Meles Zenawi, the erstwhile leader of the Tigrayan rebels, and once the poster child for a supposedly new, uncorrupt, and dynamic generation of African leaders. (Paul Kagame in Rwanda and Yoweri Museveni in Uganda were the others most frequently cited.) At the G8 Gleneagles Summit on Africa, called by Tony Blair in 2005, the podium at which the final communiqué was announced included Blair, then–Chancellor of the Exchequer Gordon Brown, Geldof, Bono, and Meles. Two years later, when it had become impossible to deny the dictatorial nature of Meles's regime, Bono would admit regretfully in an interview in *New York* magazine that "Meles Zenawi in Ethiopia is somebody I thought was an amazing character, and now he's gone very reactionary, closing down civil society. But he was a brilliant macroeconomist. I went with Jeff Sachs to see him, and I asked him how he became this great economist when he'd fought a guerrilla war against the communists for 70 years." Yes, that's seventy years, which would take Meles's struggle against the Derg back to 1937, that is, the year after Ethiopia fell to Mussolini—but hell, who's counting? And what's all that rot about pop stars not being qualified to speak on these subjects?

The admiration for Meles was not restricted to official circles in Washington, London, and Brussels. Joseph Stiglitz, hardly a regurgitator of neoliberal pieties, was an early ally and supporter of Meles—an episode that Gill recounts at length and with great acumen. Stiglitz told Gill that he was struck by Meles's level of insight into macroeconomic structures, and championed the Ethiopian regime during the 1990s against its critics at the IMF. That the British government could put Meles forward at the Gleneagles Summit as the model of the forward-looking African leader less than two months after national elections in Ethiopia that, as Gill rightly records, ended in "violence and repression," and in the arrest and imprisonment of hundreds of anti-Meles

October, Mon Amour

The first dead leaves lie like sea urchins
browned on the asphalt drive.
It's got to be October,
Slayer of living things, refrigerator of memory.
Next to the wilted lettuce, next to the Simone Weil,
Our lives are shoved in,
barely visible, but still unspoiled.

Our history is the history of the City of God.
What's-to-Come is anybody's guess.
Whatever has given you comfort,
Whatever has rested you,
Whatever untwisted your heart
is what you will leave behind.

CHARLES WRIGHT

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activists, demonstrates how low Western expectations are about African leadership, not to mention the superficiality of the West's commitments to democracy on the continent. All Tony Blair was ever willing to say, six months later in South Africa, was that while Meles's government had won the election fairly, it had "over-reacted" to the protests against its victory. Geldof's response was typically childish. "Behave!" he said, when asked by a reporter what Meles should do.

Clearly neither Meles, nor his colleagues in the African Union (of which he was chairman at the time of Gleneagles), nor the leaders of the principal Western donor governments, were listening. Since the summer of 2005, Meles has represented Africa at one international forum after another, from the G8 and G20 summits to the 2009 United Nations Climate Change Conference in Copenhagen in 2009. And the Ethiopian elections of 2010 (which took place after Gill had finished his book but certainly would not have surprised him) were, if anything, even more questionable than the ones held five years earlier. Human Rights Watch described them as "multi-party theater staged by a single-party state."

The importance of this does not derive from some sentimental attachment to free elections, let alone a "Western" desire to impose democracy and good governance. As Gill points out, in the development world, Sen's celebrated argument in *Development as Freedom* that "no famine has ever taken place in the history of the world in a functioning democracy," and its corollary, "that a free press and an active political opposition constitute the best early-warning system a country threatened by famines can have," is considered to be proved, no longer open to dispute. But for Meles, as Gill reports, it is a neo-liberal myth, "not validated by historical facts."

The threat of a major famine returned to Ethiopia in 2003. This time the government response was infinitely more effective than Mengistu had been in 1983–1984 or Haile Selassie had been in 1973. Proud as they were of their accomplishments, Ethiopian officials realized that their success had been due at least partly to good luck, an important point that Gill is right to emphasize. The famine had come at a moment when the levels of food aid Ethiopia was receiving, above all from the United States, were at historic highs. These levels were not sustainable, as Meles understood, and in response the Ethiopian authorities began to emphasize agricultural development—something that had consistently been under-resourced and treated very much as a stepchild by governments all over sub-Saharan Africa, including Ethiopia—and growth in the economy. In terms of GNP growth, Ethiopia has been remarkably successful, achieving rates somewhere between 7 percent and 11 percent since 2004 (the latter figure reflects official government statistics, which are in all likelihood exaggerations). The problem is that the food security of poor Ethiopians is anything but more assured today than it was a decade ago, and it is anything but clear that the country is any less dependent than it ever was on food aid from foreign donors.

Although he does say that outdated farm technology combined with periodic drought played a role in Ethiopia's inability to banish hunger on a durable basis, Gill believes that the main reasons for this are not failures of agricultural policy but Ethiopia's vertiginous rate of population increase. A country that numbered 40 million in 1984 now numbers 80 million and is on track to double again over the next twenty-five years. And unlike most of those countries where population is projected to rise steeply in the next two decades, the demographic transition has not even begun in Ethiopia. To the contrary, fertility rates are rising, not falling. Gill argues that this is at least partly due to the dramatic shift away from population control as an essential element in international development policy, which he dates back to the 1970s. He attributes this partly to "China's one-child policy and the excesses of India's sterilization drive [having] undermined the international consensus around an emphasis on the merits of birth control." In this century, he says, "it was the AIDS disaster that deflected the international consensus away from population growth." And he cites astonishing statistics from the United Nations Population Fund (UNFPA) that show that out of the four principal program areas—family planning, reproductive health, HIV/AIDS, and research—the percentage of funds allocated to family planning has decreased from 40 percent in 1997 to 5 percent in 2007. In this matter, he says, Ethiopia "has taken its cues from the development community at large," seemingly in the belief that "patience and the development process itself will bring about sufficient falls in the birth rate and so stabilize population growth."

The problem is that, as critics on both the right and the left have shown from their oddly complementary perspectives, the development process is in shambles: its theories are incoherent, and based as much on wishful thinking—the triumph of hope over experience—as on empirical research. As for its implementation—well, anyone who has observed directly how the development business actually unfolds in poor countries can only laugh so as not to weep. One of the great contributions of Gill's book is to show, by means of observant, well-informed reporting on the ground in rural Ethiopia, just how vain a promise development has been to date.

Gill tries hard to be optimistic. He even writes hopefully of the role that China, now the most transformative player on the African scene, might play in Ethiopia's better future. To have gotten Chinese officials in Africa to speak with candor and in depth is a considerable journalistic accomplishment, but quoting a Chinese official in Addis Ababa about China directing "some of their surplus savings to infrastructural development in Africa" is the thinnest of thin reeds on which to place one's hopes. My sense is that Gill knows it.

This pessimistic note is confirmed in a vignette about Jeffrey Sachs, the former economic shock-therapy man who re-invented himself as the intellectual avatar of the Millennium Development Project and the author of a book (complete with a preface by Bono, naturally) called *The End of Poverty: Economic Possibilities for Our Time*, in which he confidently predicted that if the rich world would dramatically increase its aid commitments, there could be no global poverty to speak of by 2025. Gill visits a benighted village called Koraro, chosen to be one of Sachs's so-called Millennium Villages, which were meant as demonstration projects to prove that foreign aid can really work. He asks a local man whether he has ever met Sachs, to which the man replies, "I have met the owner twice," which in itself is worth a dozen U.N. development assessments and a hundred NGO field reports. And when Gill himself finally meets Sachs, he discovers that he, too, is grasping at the Chinese straw. "They are doing something," he tells Gill, "where we are not there at all." But Sachs also says that "unless the fertility rate comes down sharply I'm running out of ideas." When Gill tells him that Ethiopia's population has doubled in a quarter-century and will likely double again in the next twenty-five years, Sachs can only reply that "it is absolutely unmanageable … beyond any of our [development] tools right now." The end of poverty, indeed. ◆

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Washington Diarist

Ghosts

"If you have ghosts, then you have everything." Those are the words of a tender and demented rock legend of Austin, and they have stood me in good stead for years. Ghosts are a solution for loneliness. One needs someone to talk to. I mean about the old themes, if one believes that they are still the right themes. Ghosts are the natural companions of anybody in estrangement; the invisible officers of tradition, of all the valuable things that have been declared obsolete but, in some stubborn hearts, are not obsolete. It is one of the fundamental properties of the human that the absent may be more significant than the present. I have the best ghosts. My revenants will never utter the words "Mark Zuckerberg." In their company I may continue the conversation that was begun long before me and will last (since I will not shirk my own ghost-service!) long after me. And the ghosts have a public role to play, too. They possess a certain shaming force. They spoil the adoration of the new with the suggestion of a decline, or at least with an unflattering comparison. I do not mean to exaggerate their authority: in the recurring quarrels between the ancients (who, by our velocity, lived just the other day) and the moderns, there are no clear winners. But the triumphalism of our moment, and its e-millenialism; its idiotic belief in the complete transfiguration of human life in our time, in the final banishment of opacity and obscurity, by means of data and the quantification of inwardness, or by the expansion of genetic and evolutionary necessities—all this is not supportable. Is it conservatism to say so? Perhaps. I think of it more as a custodial feeling about the many attainments that made it, quite improbably, all the way across time to me, and for whose fate I am, whether I like it or not, responsible. (I like it.) Too much is slipping away too easily. This is also the quintessential Washington sensation now. The capital is busily diminishing itself. I sense this every time I run into one of its ghosts. At lunch, for example: in the dining room of the Hay-Adams, the black arts of influence are practiced on the very spot that Henry Adams produced the greatest book ever written here, in which he foresaw "the acceleration of history," where text messages now fly. Or another phantom, this one a more recent ancient: in Steven Weisman's rich and riveting compilation of the letters and journals of Pat Moynihan, I read this, in a letter to Louis Henkin in 1989: "If we are somehow to keep our tradition alive for the next century, we are going to have to return to Trilling." This, from a *United States Senator*. Whether or not we are going to have to return to Trilling, it seems incontrovertible that in our politics we are becoming trash.

The degradation of politics takes many forms, not all of them tea-soaked. One of them is the valorization of entertainment. The spirited defense of liberalism has become the work of comedians. But there was nothing funny about Stephen Colbert's testimony before the House Judiciary Subcommittee on Immigration on behalf of migrant farmworkers. It was tiresome and exploitative and insulting to the chamber's ghosts. This time the fake blowhard was a real blowhard. When John Conyers sagely remarked (did I just type that?) that "I would like to recommend that now that we've got all this attention that you excuse yourself," the putatively hilarious witness pointed out that he was there at the invitation of the chairwoman, a Democrat who lauded him for "walk[ing] in the shoes of migrant farmworkers" and serving as an "example of how, using both levity and fame, a media figure can bring attention to a critically important issue for the good of the nation." And promote himself, too, which is all these people ever do. Their true cause is their own celebrity. Colbert—eternally trapped in the dungeon of his character—had spent a day on a vegetable farm at the invitation of the United Farm Workers, and so he was an expert on agricultural adversity. I was reminded of the few freezing hours that Martin Sheen spent on a grate with the homeless near the White House a few decades ago, after which he returned to his hotel a survivor of homelessness. And having turned the Capitol into a ratings opportunity, Colbert will do the same to the Mall later this month, when he and Jon Stewart hold a rally in response to the rally that Glenn Beck, another conscience with audience share, held last summer. The moral authority of Jon Stewart is a baffling phenomenon. "He's Cronkite," proclaims *New York* magazine, "the most trusted man in America." He is plainly a likeable man, and always good for intelligent laughter, though an air of genial sanctimony clings to his every joke. But it is not exciting that people glean their understanding of the world from "The Daily Show," it is discouraging. Better Stewart than Beck, sure; but the Lincoln Memorial deserves a break from all this political vaudeville, as do we from the notion that amusement is a basis for commitment. I omit Bill Maher from my complaint, because no moral authority can plausibly be imputed to him. He has the look of a man who mainly wants to get laid.

"'Ghosts,' Obama whispered." This, in Bob Woodward's telling, was a scornful response to an allusion to Vietnam made by Richard Holbrooke in a meeting about Afghanistan in the winter of 2009. Obama is not a ghosts man. He prefers to believe that he is the beginning. This accounts for the strange soullessness of this thoughtful man. He seems to regard the past as a long era of errors, and carries himself in the superiority of the very latest. I keep hearing that he does not like his job. It certainly shows in the dourness of his current demeanor, from which only the Damoclean predicament of the Democrats occasionally rouses him. We appear to have disappointed him. He may even be experiencing some sort of crisis, as he discovers the folly of his post-political Mugwumpery, and the failure of his illusion about the transcendence of partisanship. For there is honor in partisanship, when the differences are philosophical; and for the purpose of social change, politics is all we have. Faction is not only a reality, it is also a calling. A bummed-out White House is a misunderstanding. The memory of courage and wisdom covers its walls. Its past is its gift. Behind the Beltway, there is Washington. The Beltway is a venal place, but the streets of Washington are paved with the Constitution, the Constitution is the mortar between every brick of every building, it is in the air and in the light, you can find it even in a brandy glass, and it can get you through the day.

Leon Wieseltier

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You deserve a factual look at . . .

The Myth of "Settlements"

Are they indeed the "root cause" of violence in the Middle East?

One of the enduring myths about the Arab-Israeli conflict is that the "settlements" in Judea/Samaria (often called the "West Bank") are the source of the conflict between the Jews and the so-called "Palestinians." If that problem were solved—in other words, if Israel would turn Judea/Samaria over to the "Palestinians"—peace would prevail and the century-old conflict would be ended.

What are the facts?

Erroneous Assumptions: Various fallacies and erroneous assumptions underlie that belief, so often repeated that even those who are friendly to Israel, even many Jews in Israel and in the United States, have come to accept it. Our government, generally friendly to and supportive of Israel, has bought into the myth of the "settlements;" it has regularly and insistently requested that the "settlements" be abandoned and, one supposes, be turned over lock, stock, and barrel to those who are sworn to destroy Israel.

The very designation of the Jewish inhabitants of Judea/Samaria as "settlers" is inappropriate, because it connotes something foreign, intrusive and temporary, something that is purposefully and maliciously imposed. But that is nonsense of course. Why would the quarter-million Jews who live in Judea/Samaria be any more "intrusive" or any more "illegal" than the more than one million Arabs who live in peace in what is called "Israel proper" or west of the so-called "green line"? Nobody considers their presence as intrusive; nobody talks of them as an obstacle to peace.

> "Here is a thought: How about a deal by which the 'settlements' were indeed abandoned, all the Jews were to move to 'Israel proper' and all the Arabs living in Israel would be transferred to Judea/Samaria or to wherever else they wanted to go."

Most of us, regrettably perhaps, are too worldly and too "sophisticated" to put much stock in the argument that the territories in question, Judea and Samaria, are indeed the ancestral homeland of the Jewish people, that they were promised by God to Abraham and his seed in perpetuity. Jews have lived in that country without interruption since Biblical times. There is no reason why they shouldn't live there now. Why should Judea/Samaria be the only place in the world (except for such countries as Saudi Arabia) where Jews cannot live?

Legal Aspects: But how about the legal aspect of this matter? Isn't the "West Bank" "occupied territory" and therefore the Jews have no right to be there? But the historic reality is quite different. Very briefly: The Ottoman Empire was the sovereign in the entire area. In 1917, while World War I was still raging, Britain issued the Balfour Declaration. It designated "Palestine"—extending throughout what is now Israel (including the "West Bank") and what is now the Kingdom of Jordan—as the homeland for the Jewish people. In 1922, the League of Nations ratified the Balfour Declaration and designated Britain as the mandatory power. Regrettably, Britain, for its own imperial reasons and purposes, separated 76 percent of the land—that lying beyond the Jordan River—to create the kingdom of Trans-Jordan (now Jordan) and made it inaccessible to Jews. In 1947, tired of the constant bloodletting between Arabs and Jews, the British threw in the towel and abandoned the Mandate. The UN took over. It devised a plan by which the land west of the Jordan River would be split between the Jews and the Arabs. The Jews, though with heavy heart, accepted the plan. The Arabs virulently rejected it and invaded the nascent Jewish state with the armies of five countries, so as to destroy it at its birth. Miraculously, the Jews prevailed and the State of Israel was born. When the smoke of battle cleared, Jordan was in possession of the West Bank and Egypt in possession of Gaza. They were the "occupiers" and they proceeded to kill many Jews and to drive out the rest. They systematically destroyed all Jewish holy places and all vestiges of Jewish presence. The area was "judenrein."

In the Six-Day War of 1967, the Jews reconquered the territories. The concept that Jewish presence in Judea/Samaria is illegal and that the Jews are occupiers is bizarre. It just has been repeated so often and with such vigor that many people have come to accept it.

How about the "Palestinians," whose patrimony this territory supposedly is and about whose olive trees and orange groves we hear endlessly? There is no such people. They are Arabs—the same people as in Lebanon, Syria, Jordan, and beyond. Most of them migrated into the territories and to "Israel proper," attracted by Jewish prosperity and industry. The concept of "Palestinians" as applied to Arabs and as a distinct nationality urgently in need of their own twenty-third Arab state, is a fairly new one; it was not invented until after 1948, when the State of Israel was founded.

But here's a thought: How about a deal by which the "settlements" were indeed abandoned and all the Jews were to move to "Israel proper." At the same time, all the Arabs living in Israel would be transferred to Judea/Samaria or to wherever else they wanted to go. That would indeed make Judea/Samaria "*judenrein*," and what are now Arab lands in Israel would be "*arabrein*." The Arabs could then live in a fully autonomous area in eastern Israel and peace, one would hope, would descend on the holy land.

This message has been published and paid for by

FLAME

Facts and Logic About the Middle East
P.O. Box 590359 ■ San Francisco, CA 94159
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